



NAR Chief Economist Yun Predicts Better Times Ahead in 2024 for Residential Real Estate Market

By John Jordan

WHITE PLAINS—After detailing a laundry list of problems that have caused a “difficult year” for the real estate markets thus far in 2023, NAR Chief Economist Dr. Lawrence Yun told a gathering of about 100 HGAR members and affiliates that he believes the home sales market will improve in 2024.

In his first-ever appearance before the HGAR membership, Yun gave a near hour-long presentation on the current state of the residential, commercial and lending markets at the HGAR offices in White Plains on Oct. 10 and concluded his remarks by saying that existing home and new homes sales will improve next year as interest rates begin to fall.

Yun blamed high interest rates, inflation and low inventory for the residential market’s current woes. He said that residential sales as of July 2023 were down 21% as compared to the year before and that current sales are below pre-COVID totals.

“This past year has been a little bit tough on commercial real estate as well as residential,” Yun said. In addition to high interest rates depleting the buyer pool, he noted that there is very little inventory for prospective home buyers to choose from.

While the existing home sales market has suffered in 2023, the new home market has held its own and will likely post an increase in sales as compared to 2022. Yun also predicted that new home sales will rise even further in 2024.

“Right now, transactional activity is down not only because of high interest rates, but because of the lack of listings,” he said.

The high interest rates have caused significant damage to the economy and particularly to the real estate markets. In addition, to residential and commercial transactions being lower in 2023, the high rates have resulted in a decline in commercial real estate prices, a crisis in the community banking sector due to an interest rate mismatch and high commercial real estate loan exposure. Earlier this year, Silicon Valley Bank and Signature Bank failed and put the spotlight on the troubles ahead for the community banking sector.

Yun estimated that of the approximately 5,000 community banks nationwide, about 2,000 will be in trouble due to current market conditions. He also predicted that commercial real estate foreclosures will increase over the next two years as loans become due. According to Trepp, there is approximately \$270 billion in commercial mortgages held by banks due to expire this year and a total of \$1.4 trillion in loans coming due in the next five years.

Yun said that the inflation rate (Consumer Price Index), which was 2% pre-COVID, rose sharply to a high of 9% in 2022, but has since trended sharply downward to 3.7% in August, close to the Federal Reserve Board’s target of 2%. Yun contends that the Fed should pause any further rate hikes to allow the economy to perhaps reach the 2% CPI on its own.

“Stop raising interest rates,” Yun has told the Federal Reserve. “Just give it time. It is trending in the right direction.” He noted that the National Association of Realtors and the National Association of Home Builders recently sent a joint letter to the Fed.

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NAR Chief Economist Dr. Lawrence Yun
PHOTO BY JOHN VECCHIOLLA

Third Quarter Home Sales Activity Falls Sharply in HGAR Market Area

By John Jordan

WHITE PLAINS—While Realtors say that home buying demand is still strong, high interest rates and critically low inventory caused residential sale transactions to fall precipitously in the third quarter of 2023.

According to the recently released “2023 THIRD QUARTER REAL ESTATE SALES REPORT: Westchester, Putnam, Rockland, Orange, Sullivan and Bronx counties, New York” by the Hudson Gateway Association of Realtors, overall residential sales, as compared to the third quarter of 2022, fell 20.8% in Westchester County; 33.8% in Putnam County; 22.6% in Orange County; 25.3% in Rockland County; 26% in Sul-

HGAR Market Area Overall Home Sales Third Quarter 2023

Westchester County	...-20.8%
Orange County-22.6%
Bronx County-23.7%
Rockland County-25.3%
Sullivan County-26.0%
Putnam County-33.8%

livan County and 23.7% in The Bronx.

Year-to-date through Sept. 30, 2023, overall sales have fallen sharply in all markets as compared to a healthier market through the first three quarters of 2022—Westchester sales were down 25.9%; Putnam sales were down 28.8%; Orange County’s overall sales numbers declined 25.8%; Rockland County sales were down 27.3% Sullivan County sales have fallen 28.1% and home sales have declined 22.2% in The Bronx.

While home prices have stabilized in some sections of the United States, the lack of inventory continues to put upward pressure on prices in the HGAR market area. The median sale price of a single-family home in the third quarter increased 6.3% to \$925,000 in Westchester County; 1% in Putnam County to \$510,000; 7.1% in Orange County to \$450,000; 4.5% in Rockland County to \$690,000 and 7.3% in Sullivan County to \$299,500. The median sale price of a single-family home in the Bronx fell 2.8% in the third quarter to \$612,500.

For-sale inventory is down sharply

in five of the six HGAR market areas, with Sullivan County the only market to post less than double digit percentage declines as compared to a year ago.

Editor’s Note: For the full 2023 third quarter real estate sales report, which is based on data compiled by HGAR subsidiary OneKey MLS, go to pages 4 and 5 in the second section of *Real Estate In-Depth*.

Hudson Gateway Association of Realtors President Tony D’Anzica said the recently released third quarter statistics for the HGAR region continue to reflect a troubling weakness in the real estate market. “Third quarter closed sales in the Bronx, Westchester, Rockland, Orange and Putnam counties all dropped precipitously by about 25% compared to the second quarter. With 30-year mortgage rates recently peaking around 8%, their highest level in over 20 years, mortgage demand falling to the lowest level since 1996, and median sales prices continuing to increase every quarter, buyers are facing the toughest market in decades,” he said.

D’Anzica, who is Broker-Owner of DynaMax Realty NYC, Inc., also pointed to another troubling sign for the market as the National Association of Realtors’ Housing Affordability Index has continued to decline this year causing housing affordability to reach one of its lowest levels in nearly 40 years.

“It’s clear that the record low housing inventory and high interest rates are both driving this market downturn. Few, if any, reasonable policies are being implemented (or even discussed)

at any political level to address these issues,” he added.

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FOCUS ON THE BRONX Section Two

Veteran Mortgage Broker-Turned Playwright Debuts 'The Oh Show' at the Paramount Hudson Valley

By Mary T. Prenon

PEEKSKILL—For the past 22 years, Irene Amato has been synonymous with A.S.A.P. Mortgage, based in Peekskill with six branch offices throughout the Hudson Valley and in the Bronx. However, in the past few years, the mortgage maven has expanded her career to include hosting her own workshops, speaking at real estate expos and networking groups, producing motivational videos and writing her first book, "Home at Last."

Now, Amato can add "playwright" to her many talents with "The Oh Show" to premier at Peekskill's Paramount Hudson Valley Theater on Thursday, Nov. 9, at 7 p.m. Billed as "a testament to the resilience of the human spirit," the show is based on perceptions of life and the different ways people view circumstances. "The word 'Oh' can have so many meanings—surprise, happiness, shock, disappointment or even anger," explained Amato. "This play really takes a look at the good, the bad and the ugly on life."

Amato uses her own life story as the basis for the show. "Because I'm a successful business owner, people often assume I had a great environment



growing up, but that's not the case," she admitted. "What really matters is what's inside your heart and soul and you should never be embarrassed about your background."

Working since the age of 10, Amato learned early how to turn lemons into lemonade. "As a child, you're usually in a situation you can't change, but what I

learned is that certain people can help you alter the direction of your life. My situation also taught me never to judge anyone," she said. "You also have to have some of those not-so-great life experiences to help you through challenges throughout your life."

In addition to thought-provoking vignettes, The "Oh Show" also prom-

ises a lot of humor, and includes real people, not seasoned actors. Directed by Amato's daughter Alexa, the show features A.S.A.P. staff Joel Coleman and Danielle Petilli, Realtors Grace Patalano, Sue Fraietta and Antoinette Calderon, as well as Sam Giordano and Nicole Taccariello. "The whole cast is so dedicated, rehearsing all the time," she added.

Of course, Amato will also take to the stage in this 90-minute play that encourages audience participation. All seats are \$25, and proceeds will benefit local charities. For more information or tickets, visit www.TheOhShowProduction.com.

Eventually, Amato hopes to take the show on the road, travelling across the country and collaborating with local charities and school districts in each location. Her mission is to change the views, emotions and mindsets of audiences and also give back to those in need.

"If we can empower just one person to care more about themselves and less about what other people think, we'll be successful," she said. "We just want to help someone be a better person and see beyond their outer shell."

NAR Chief Economist Yun Predicts Better Times Ahead in 2024

Continued from page 1

eral Reserve requesting a pause in any further interest rate increases for a few months to see if the inflation rate will fall even further in reaction to past interest rate increases.

Yun predicts that come the spring of 2024, lending rates will be in the mid 6% area. He told *Real Estate In-Depth* that a few months ago he predicted rates would be in the low sixes, but now due to current conditions, he now believes rates will be in the mid sixes in the spring of next year. For the week ended Sept. 29, the Mortgage Bankers Association reported that the average contract interest rate for 30-year fixed-rate mortgage increased for the fourth consecutive week to 7.53%—the high-

est rate since 2000.

With rates going down, Yun expects more listings to hit the market and more buyers as well. He said life circumstances will prompt more sellers to put their homes on the market for sale over the next two years. Among the favorable demographic data Yun cited include: 7 million new-born babies, 3 million marriages, 1.5 million divorces, 7 million people turning 65-years old, 4 million deaths and 50 million job switches.

"It has been a difficult two years but I think things will be much, much better next year," Yun said. "Maybe total sales will still likely be below pre-COVID 2019 conditions, but it will be improved conditions as we go into next year."



Pictured with NAR Chief Economist Dr. Lawrence Yun are from left, HGAR's Eliezer Rodriguez, Alexander Roithmayr, Lynda Fernandez, Tony D'Anzica, Anthony Domathoti, Ron Garafalo and Clayton Livingston.

PHOTO BY JOHN VECCHIOLLA

Third Quarter Home Sales Activity Falls Sharply in HGAR Market Area

Continued from page 1

HGAR President-elect Carmen Bauman, Principal Broker of Green Grass Real Estate of Bronxville, said that the current residential real estate marketplace is dominated by high demand and high pricing. Bauman, who is also an Associate Broker with commercial real estate firm RM Friedland, noted in a recent webinar presented by Orange Bank & Trust Co., "Consumers' challenges are further complicated by record level interest rates. Commercial real estate is more complex: multifamily remains strong, hospitality is on the cusp of a rebound, the industrial warehouse sector has growth largely driven by the prevalence of e-commerce during the pandemic—while the inverse became true for traditional retail—and office space remains in flux as almost all companies, large and small, are re-considering their needs."

Bauman related that during the height of the COVID pandemic, the region saw a "temporary exodus," by some residents but since then many of those individuals have returned to the area, including a number who have decided to rent in new high-rise rental apartment buildings in Westchester County. She said that the multifamily rental market is "booming" and many of these new developments are currently enjoying high absorption rates. She said in the coming months and years it will be interesting to see if the multifamily market can maintain the high ab-

sorption rates as new product comes on line in the county's major cities.

Houlihan Lawrence in its third quarter residential report stated that the region is experiencing intense buyer competition in most price categories,

as overly inflated prices can cause homes to be overlooked and seller disappointment," said Houlihan Lawrence President and CEO Liz Nunan.

Nunan added, "We anticipate buyer demand to continue with our mar-

at above list price, it might be time to reset their expectations. Buyers who are currently renting, and looking for that perfect 'forever' home,' should consider a spring-board purchase like a co-op or condo," Caro said. "Buying a more cost-effective home, with more choice in inventory than the single-family market, will still give them the opportunity to earn equity for the next purchase and will likely cost them less every month than the highest-rents-ever they may be paying now."

Caro related that sellers who believe the current high interest rates are deterring some buyers from putting in an offer on their home might consider offering owner financing and should seek advice from their lawyer or tax accountant to see if that would be feasible.

"Buyers interested in the 2-4 multifamily markets will definitely benefit from the new 5% down financing options, and they should examine this with their mortgage professional. Any extra income earned from the other units in the house could help offset the interest rates," Caro noted.

Finally, she said that buyers' agents should search for listings that have been on the market for 90 days to see if any deal could be struck.

"Agents can't control the interest rates, the inventory, or the global economies but they can use innovative strategies to help buyers buy, and get transactions moving," Caro stressed.

"As buyers continue to fight for the 'good stuff' in multiple offer scenarios, at above list price, it might be time to reset their expectations. Buyers who are currently renting, and looking for that perfect 'forever' home,' should consider a spring-board purchase like a co-op or condo."

—Leah Caro, President, Principal Broker, Park Sterling Realty

despite the prevailing market headwinds. In fact, the brokerage firm contended that homes spent the lowest amount of time on the market in years, which it attributed to "ready, willing, and able buyers and a large percentage of cash purchases."

"In certain markets, the number of top-price tier listings is beginning to increase, affording more variety for buyers. While the demand might suggest otherwise, buyers remain discerning. Accurate pricing remains critical

kets offering so much, from housing to recreation, culture, and more. It remains an opportune time to sell north of New York City."

Leah Caro, President and Principal Broker of Park Sterling Realty of Bronxville advised her fellow Realtors that it may be time to stop complaining and start thinking about employing alternate strategies during this trying market.

"As buyers continue to fight for the 'good stuff' in multiple offer scenarios,

Developers Propose \$2.5-Billion Galleria At White Plains Redevelopment District

By John Jordan

WHITE PLAINS—In what is clearly the most anticipated development proposal to hit the desks of city leaders in decades, Pacific Retail Capital Partners, The Cappelli Organization, SL Green Realty Corporation, and Aareal Bank, owners of The Galleria at White Plains, presented a \$2.5-billion redevelopment plan for the property to the White Plains Common Council on Sept. 28.

The ownership stated that the plan, if approved as submitted, would entail the largest conversion of an enclosed shopping mall into a mixed-use residential and retail use, along with open space, in the New York metro region. The plan calls for the demolition of the 43-year-old shuttered Galleria at White Plains shopping mall and the development of seven residential towers of varying heights that would feature up to 3,200 apartments including 384 that would be designated as affordable in accordance with the City of White Plains Affordable Rental Housing Regulations. The submission to the City Council calls for a zone change of the property.

The buildings would combine state-of-the-art technology and building systems with amenity-based retail for the residential units including fitness, grocery, dining, professional and personal services. The District Galleria is being designed as a sustainable project, meeting the silver LEED standard of high-energy efficient building materials, the building ownership stated.

Nearly half of the project's footprint is designated as open space



The District Galleria plan would involve seven tower buildings and up to 3,200 apartment units, including 384 units designated as affordable.

that would break down existing barriers and create a quarter mile-long green promenade complete with pet playgrounds, pocket parks and landscaping for community gatherings, outdoor events, public entertainment and art.

The District Galleria would also feature a garden promenade designed to link the adjacent neighborhoods at eight different access points.

Anmarie Plenge, Executive Vice President of Design for PRCP, is the Master Architectural Designer of the project. Plenge brings more than 27 years of professional experience master planning large-scale mixed-use projects and is collaborating with world renowned architectural design and planning firm Gensler, along with Kimley Horn and Eric Rain Landscape

CREDIT: PACIFIC RETAIL DESIGN Architecture to design the project.

“Experience driven mixed-use environments appeal to people’s desire for connection and belonging. They are poised to be the key in reviving

our communities’ urban centers. The evolution of an enclosed mall to an open-air mixed-use development with the unified vision of The District Galleria is pivotal in evolving real estate for the next generation,” said Najla Kayyem, Executive Vice President for Pacific Retail Capital Partners.

In 2022, Pacific Retail and Aareal Bank developed a joint venture partnership to undertake the redevelopment of the Galleria at White Plains site with New York City-based SL Green Realty Corporation and the Cappelli Organization, which is headquartered in White Plains.

“As an urban renewal project that began more than 50 years ago, the reimagining of this property is integral to the transformation of Downtown White Plains, which began in earnest over 20 years ago with City Center. The District Galleria will go a long way in making our local community more enjoyable, desirable, sustainable, and resilient,” said Chief Executive Officer/Founder of the Cappelli Organization, Louis Cappelli.

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PRESIDENT'S CORNER

By Tony D'Anzica
HGAR President



New Strategies for These Turbulent Times

Are you concerned about the recent sexual harassment claims at NAR? Do the pending anti-trust lawsuits leave you worried about what your business and our industry will look like in the future? Do you feel uncertain and unsure about how high mortgage rates and low inventory will affect your business? The answer to all of these questions is: YES, YOU SHOULD!

In today's real estate market, uncertainty often seems to be our only companion. From high interest rates, low inventory, inflation and wars to the anti-trust lawsuits and sexual harassment claims facing NAR, real estate professionals are routinely finding themselves navigating through uncharted waters. These are turbulent times and, while Realtors and our industry are being put to the test, it is precisely during these most uncertain times that we must demonstrate resilience, adaptability and foresight.

Uncertainty certainly brings challenges, but it's how you face those challenges that sets you apart. It's not just about weathering the storm, but about bouncing back, maintaining a positive attitude, inspiring your team and your clients, learning from the experience, and emerging stronger. Now is the time to project both confidence and calmness, assuring your clients and teams that they are capable of handling any adversity.

Many in our industry, especially newer or younger Realtors, have

Like it or not, change must be embraced and tackled head on. Dealing with change successfully demands flexibility and the ability to constantly adapt. Resilient Realtors, like any true professional, must be able to shift strategies to accommodate to new market conditions.

never faced so much adversity. We just witnessed the highest inflation rate in decades, the highest mortgage rates in decades, the lowest inventory in decades, and the least affordable housing market in at least 40 years. Many Realtors were not even born the last time we experienced this market cycle. To put things into perspective, back in 2006 many homeowners refinanced two or three times in the same year because they couldn't believe that mortgage rates would ever drop below 6%.

Whether we describe the current real estate market as being in flux, or just readjusting back to its historical equilibrium, we're still experiencing change. Like it or not, change must be embraced and tackled head on. Dealing with change successfully demands flexibility and the ability to constantly adapt. Resilient Realtors, like any true professional, must be able to shift strategies to accommodate to new market conditions.

We must be able to adopt innovative technologies to improve efficiency. We must ensure that we communicate clearly, honestly and consistently with our clients and staff, which also requires the ability and patience to listen and understand them. We must provide staff with greater education, training and support for their professional growth and their emotional and mental well-being.

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FROM THE DESK OF THE CEO

By Lynda Fernandez
HGAR Chief Executive Officer



Empowering HGAR Realtors To be Their Very Best

While it may at times feel like the real estate industry and Realtors are under attack, we all know with every challenge there is opportunity. Challenges are oftentimes our biggest blessings. Difficulty propels us to think differently, to aim higher and to be better. As many before me have said, challenges don't define us. Instead, it's how we react and rise to the challenge that does.

Realtors are strong and resilient by nature and always rise to the challenge. As an HGAR member, you should remain confident in your value and in the benefits, tangible and intangible, direct and indirect, your association offers you. We remain committed to your success and to the communities you serve.

In my career at various Realtor associations in very different markets, my colleagues and I have worked diligently and deeply to elevate member service and offerings. Behind the scenes we lose sleep, skip meals, miss family milestones, and ignore wellbeing to advance initiatives, launch projects, finalize new products

and services, present events, engage in governmental advocacy, and more!

I now feel a huge obligation to support the vision of the Hudson Gateway Association of Realtors (HGAR),

which is to empower members to be their best. Along with our leadership and team of staff professionals, I am committed to elevating your professionalism, education, knowledge and success. I am also eager to learn more about you collectively and individually to further support your success.

In addition to being a parent company of OneKey MLS (Multiple Listing Service), which offers you the MLS and related products, services, and technology, HGAR offers you valuable resources and tools to help you serve your clients and to position you as a real estate expert. Advocacy, education and professional stan-

dards are three of the most valuable services HGAR offers its members.

Advocacy—central to HGAR's mission, advocacy protects your business and the dream of homeownership by addressing issues such as remaining

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HGAR offers you valuable resources and tools to help you serve your clients and to position you as a real estate expert. Advocacy, education and professional standards are three of the most valuable services HGAR offers its members.

IN MEMORIAM

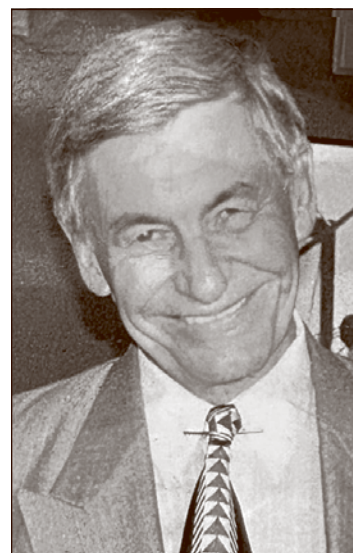
Harold Vogt

Former County Chamber President

Harold Vogt, the longtime leader of The County Chamber of Commerce (now operating as The Business Council of Westchester), died on Sept. 28, 2023 in Boca Raton, FL at the age of 88.

The Business Council of Westchester announced Vogt's passing in an e-mail message to its membership on Oct. 5. Vogt served as President and CEO of several chambers of commerce, most notably 30 years at the former The County Chamber of Commerce until his retirement in 2000. Under his leadership, the organization expanded from the White Plains to The County Chamber of Commerce, serving more than 1,000 members. He was succeeded by Marsha Gordon who has served as President and CEO of The Business Council of Westchester since March 2001.

For 10 years, Vogt hosted the popular WFAS-AM radio talk show "Business Talk" and he also co-published and served as Editor-in-Chief of *Westchester Commerce* magazine, the official publication of The County Cham-



ber of Commerce.

Real Estate In-Depth Editor John Jordan, who served as Editor of *Westchester Commerce* magazine for 16 years, said, "For three decades, Harold Vogt was an unapologetic, passionate advocate for the business community of Westchester County. "Always a gentleman, he was a leader that many in politics and business relied on. My deepest condolences to his wife Toni and family."

In his unique style, Vogt penned an article in the July/August 1998 edition of *Westchester Commerce* magazine where he explained The County Chamber's position on the environment and its impact on orderly growth.

"The County Chamber is as concerned as anyone with the preservation of Westchester's environment," Vogt wrote. "What may make the Chamber different, is that it is willing to speak out, brutally, if necessary, to achieve that objective in a rational and productive way that will not arbitrarily or capriciously sacrifice the county's

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REAL ESTATE IN-DEPTH

October 2023

Publisher: Hudson Gateway Association of Realtors, Inc.

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REAL ESTATE IN-DEPTH, published monthly, is the official publication of the Hudson Gateway Association of Realtors, Inc., One Maple Ave., White Plains, New York 10605. Opinions contained in the articles herein do not necessarily reflect the opinions of the Association. The editors of REAL ESTATE IN-DEPTH reserve the right to accept or reject all advertising copy. REAL ESTATE IN-DEPTH (ISSN 0043-339X) or (USPS 677-500) is published 12 times a year for \$12 per year, included in member dues, and \$24 for non-members, by The Hudson Gateway Association of Realtors, Inc., One Maple Ave., White Plains, N.Y. 10605. Periodical Postage is paid at White Plains, N.Y. REAL ESTATE IN-DEPTH cannot be responsible for unsolicited manuscripts, nor undertake to return manuscripts or pictures. POSTMASTER: Send address changes to REAL ESTATE IN-DEPTH, One Maple Ave., White Plains, New York 10605.

Critical Changes to the New York Property Condition Disclosure Statement Act Effective on March 20, 2024

On Sept. 22, 2023, New York Gov. Kathy Hochul signed critical legislation amending Sections 262, 265 and 267 of New York's Real Property Law ("RPL") known as the Property Condition Disclosure Statement Act (PCDSA) [see <https://bit.ly/3FeUEem>]. The newly enacted amendments to the act will take effect on March 20, 2024. The original PCDSA ("2002 PCDSA") went into effect on March 1, 2002.

The Newly Enacted Amendments of the PCDSA

The Removal of the \$500 "Opt-Out" Credit

One significant change to the act is the elimination of the provision, which provided that if a seller of a one-to-four family residential real property did not deliver a completed Property Condition Disclosure Statement (PCDS) to a purchaser prior to entering into contract, the seller would be required to provide the purchaser with a \$500 credit at closing. This is a significant change in real estate transactions, particularly in downstate New York where almost no seller ever provides the PCDS.

Section 465 of the RPL was also amended. The title of Section 465 was changed from "Remedy" to "Liability," and the identical language referred to above relating to the \$500-credit was deleted entirely and replaced with the following: "Nothing contained in this article shall be construed as limiting any existing legal cause of action or remedy at law, in statute or in equity." It is important to note that the preceding language was the same language contained in Section 467 (which is being deleted and moved to Section 465 with this newly enacted amendment). Again, this change is notable because there is no longer a reference to a "remedy" (i.e., the \$500 credit) that was available to a purchaser for a seller's failure to provide the PCDS.

The shifting of the definition of "liability" in itself does not seem to have a significant effect on the state of a seller's potential liability under the new amended PCDSA. The PCDS, with the deletion of the \$500-credit language, now simply provides that if a seller "... makes a knowingly false or incomplete statement on [the] form [it] may subject the seller to claims by the buyer prior to or after the transfer of title." Existing case law and prior judicial interpretations relating to the PCDSA would still be applicable and will be discussed in more detail below.

Additional PCDS Questions Added Relating to Flood Issues

Other notable changes to the PCDS include the revision of question 10 to include specific reference to whether the real property is in a Federal Emergency Management designated floodplain and the addition of questions 11 through 18, and question 39. All of the other questions have remained basically the same. These added questions relate specifically to whether the residential real property is located on "100-year floodplains" or "500-year floodplains." The questions also ask whether the property is subject to any federal flood insurance requirements or subject to federal flood requirements, whether the seller has received any flood assistance from FEMA or other governmental agencies, whether the property is covered by flood insurance and whether there are FEMA elevation certificates available for the property.

Questions 14, 17 and 39 are significant additions to the new PCDA. Question 14 requires the seller to disclose if the seller "ever" received assistance from FEMA, the SBA or other governmental agencies. Question 17 requests



the seller to disclose whether the seller "ever filed a claim for flood damage to the property..." Additionally, the seller is now required to disclose under question 39 whether the structure has "...experienced any water penetration or damage due to seepage or a natural flood event." It is important to note that the only question related to the existence of water damage was question 27, which asked the question as follows: "Is there any rot or water damage to the structure or structures?" Basically, allowing a seller to answer "no" to the question if there was damage or rot as long as the seller remedied the issue which is what occurred in the

v. Chuang [see <https://bit.ly/3PSgvNr>]. This decision is still cited and relied on by courts in New York. Judge Straniere's decision was openly critical of the legislature for creating an act which, in his opinion, was vague, unenforceable in part, difficult to interpret and which did not achieve the principal objectives sought, namely protection of the purchaser. He noted that the "legislation must be re-examined and re-drafted so that it can achieve its stated purpose of consumer protection." The judge provided an analysis of the then newly enacted law (which is helpful to revisit) based upon four specific issues: (1) whether the PCDSA

The title of Section 465 was changed from "Remedy" to "Liability," and the identical language referred to above relating to the \$500-credit was deleted entirely and replaced with the following: "Nothing contained in this article shall be construed as limiting any existing legal cause of action or remedy at law, in statute or in equity."

Kazmark case discussed below. The addition of the above questions now requires the seller to provide any historical information relating to the property.

An Agent's Duty Under Section 466

While Section 466 of the RPL was not modified, it is important to review the duties of a real estate licensee in connection with the PCDS. Section 466 provides as follows:

An agent representing a seller of residential real property as a listing broker shall have the duty to timely inform each seller represented by that agent of the seller's obligations under this article. An agent representing a buyer of residential real property, or, if the buyer is not represented by an agent, the agent representing a seller of residential real property and dealing with a prospective buyer, shall have the duty to timely (in any event, before the buyer signs a binding contract of sale) inform such buyer of the buyer's rights and obligations under this article.

As long as the agents fulfill their obligations with respect to Section 466 "the agent shall have no further duties under this article and shall not be liable to any party for a violation of this article. When the 2002 PCDSA went into effect NYSAR created general broker/agent disclosure confirmation forms for optional use by real estate licensees so that they could document that they delivered the PCDS to the seller and that they informed buyers of their rights and obligations under the PCDSA.

Malach v. Chuang: The First Decision in 2002 On the Original PCDSA

The first court decision interpreting the 2002 PCDSA was issued by Judge Philip S. Straniere in 2002 in *Malach*

make inquiry about that particular item. Judge Straniere explained that "a prudent purchaser having been informed of seller's lack of knowledge should either hire a structural engineer to inspect all of the 'unknowns', or take some other steps to acquire the knowledge necessary to make an intelligent decision regarding the condition of the premises."

The Early Opinion in Malach As to the Benefits of Not Providing the PCDS

The court in *Malach* also noted that it may make sense for a seller not to complete the PCDS at all and simply provide the purchaser with a \$500-credit. Judge Straniere explained that "completion of the Disclosure provides a document that can be used against the seller in a suit under a common law theory such as one alleging fraud or negligent misrepresentation. The Disclosure is certified by the seller giving it certain evidentiary value. By completing the Disclosure, the seller may be giving the purchaser an advantage in subsequent litigation." It soon became the custom, mainly in downstate New York, for seller's attorneys to recommend to their seller-clients not to complete or deliver the PCDS and simply opt to provide the purchaser with the \$500-credit. However, in upstate New York many sellers do provide the PCDS and as a result there exists more case law on the PCDSA in those areas.

Kazmark v. Waslyn: A False Statement in the PCDS May Constitute Active Concealment

In *Kazmark v. Waslyn* [see <https://bit.ly/3FaKLOD>] (a 2018 Third Department Appellate Division decision), the plaintiffs sued the sellers "for breach of contract, fraud/intentional misrepresentation, negligent misrepresentation and violation of Real Property Law § 465(2) stemming from allegations that defendant knew or should have known about the material defects that he denied existed or that he listed as unknown in the PCDS." The court in *Kazmark* citing various decisions, explained that if a seller makes a false statement in the PCDS it could constitute active concealment.

However, the court went on to state that since the PCDS requires only that a seller make a disclosure based on the seller's actual knowledge, the buyer is required to prove "that the seller had actual knowledge of a condition that was misrepresented by the disclosure contained in the PCDS." Additionally, the buyer must prove "...that [the] defendant knowingly misrepresented a material fact upon which [the] plaintiff justifiably relied, causing [the plaintiff's] damages," in order for the buyer to be successful in a cause of action for fraud or intentional misrepresentation.

In *Kazmark*, the seller testified "that, although he was aware of standing water in the basement before 2006, he answered no to the question on that topic because he had corrected the problem and, to his knowledge, there were no such issues when he completed the form in 2008." Since question 20 on the current PCDS (27 on the new form) asks whether there "is water damage or rot" at the time the seller completed the PCDS, it was not misleading or dishonest for the seller to answer "no" to that question. The revised PCDS, particularly question 39, now requires the seller to disclose if there was "any water penetration or

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From left. Kimra Pierre and Nan Palumbo, HG Realtor Foundation; Anahaita Kotval, CEO, Lifting Up Westchester; and Gail Fattizzi, President, HG Realtor Foundation

Hudson Gateway Realtor Foundation Presents \$3,500 Donation Check to Lifting Up Westchester

WHITE PLAINS—The Hudson Gateway Realtor Foundation, the charitable arm of the Hudson Gateway Association of Realtors, recently presented a check for \$3,500 to Lifting Up Westchester (LUW) in White Plains.

LUW provides life-changing support to people who have lost their housing or are struggling to meet other basic needs. They help individuals find stable housing and build on that foundation to achieve greater self-sufficiency. LUW provides comprehensive support to 2,500 Westchester residents in crisis by:

- Providing emergency shelter, food, and support to keep people safe.
- Facilitating employment readiness and securing job opportunities to increase and sustain income.
- Finding safe and affordable homes of all types and providing on-

going support to maintain the stability of that housing.

- Coordinating and navigating community resources to obtain personalized support.
- Offering education and mentoring services to youth who are homeless or in unstable housing so they can achieve success.

LUW's Community Kitchen is the largest in White Plains and feeds 70 to 90 people per day. Guests also receive donated clothing, toiletries, and other support services to help strengthen their independence. LUW also operates the Open Arms men's shelter and Samaritan House women's shelter where individuals can find support as they look for permanent housing, employment and other support.

"We are so grateful to the Hudson Gateway Realtor Foundation for their generous support," said Anahaita Kotval, Chief Executive Officer of Lifting Up Westchester. "We are united with our community partners like the Hudson Gateway Realtor Foundation by one, bold and unwavering belief: that stable housing is the foundation on which human wellbeing and advancement is built. When people have a secure, affordable home, they can focus on advancing their employment, education, and health. When we support others in living healthier and more productive lives, our entire community benefits."

Established in 2004 and relaunched in 2013, the HG Realtor Foundation has donated thousands of dollars to charities and non-profits throughout the Hudson Valley. As concerned members of the communities they work in, the Hudson Gateway Realtor Foundation participates in qualified community-based charities who serve the housing, hunger, health, happiness, and humane needs of citizens everywhere.

For more information or to apply for funding from the Hudson Gateway Realtor Foundation, please visit www.hgrealtorfoundation.com.



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Attorney General, WRO Settle Discrimination Cases Against New Rochelle Real Estate Management Firm

NEW YORK—New York Attorney General Letitia James announced an agreement on Oct. 10 with New Rochelle-based real estate company and property manager, Platzner International Group (PIG), its owners Merrick Platzner and Harrin Platzner, and their various properties for denying housing to low-income residents in Westchester County.

The Office of the Attorney General, with assistance from the Housing Rights Initiative, found that PIG violated federal, state, and local fair housing laws by denying housing to low-income New Yorkers with Section 8 Housing Choice vouchers. As a result of an agreement with OAG and a separate settlement with Westchester Residential Opportunities (WRO), a White Plains-based local fair housing group who brought their own litigation against PIG for their discriminatory behavior, PIG must set aside 20 units in its portfolio for applicants using Section 8 vouchers or other housing subsidies. PIG must also waive broker fees for any prospective tenant using housing subsidies for the next five years

and pay \$10,000 to HRI and \$95,000 to WRO in damages.

“Every New Yorker, regardless of their income, deserves a place to live,” said Attorney General James. “Denying housing opportunities to low-income New Yorkers simply because they have a housing voucher is not only illegal, it worsens our affordable housing crisis. This agreement will help ensure that renters are treated fairly and will make it clear to brokers and landlords that discrimination will not be tolerated in New York. I want to thank the Housing Rights Initiative and Westchester Residential Opportunities for their help with this investigation and their ongoing and dedicated work to fight housing discrimination in our communities.”

PIG and its related entities own more than 200 residential units across four multi-building complexes and are property managers for an additional 14 residential complexes primarily in Pelham Manor, New Rochelle, and Rye. In November 2021, OAG launched an investigation into PIG based on undercover testing done by HRI that revealed PIG had an explicit policy of refusing to

rent units to Section 8 voucher holders in certain buildings. Apartment listings from PIG entities stated, “Sorry, NO section 8,” and a representative from HRI was told that PIG “does not take Section 8” at one of their buildings.

The OAG investigation also found that PIG asked illegal questions to prospective tenants on their rental applications, inquiring about potential tenant’s sex and marital status, a violation of New York’s Human Rights Law and federal fair housing law. In addition, the OAG investigation found that PIG claimed in their rental application that the application fee was as high as \$50, a violation of New York State law, which mandates they do not exceed \$20.

Housing discrimination based on

source of income is illegal under fair housing and human rights laws. Owners, landlords, property managers, rental agents, and brokers are barred from refusing to accept potential tenants solely because they receive lawful housing assistance. Government-issued rental vouchers, such as the Section 8 Housing Choice voucher program, provide housing assistance to the lowest-income households to rent decent, safe housing in the private market. These programs also aid senior citizens and disabled persons on fixed incomes, displaced families, and homeless individuals with disabilities.

As part of an agreement with OAG, PIG will pay \$10,000 for HRI’s damag-

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GUEST COLUMN

Let Your Ego Go

By Kenyatta Jones-Arietta

The beautiful thing about being in the real estate business for many years is being able to analyze your growth as a professional, as well as an individual, and understanding exactly what role you really play in the home buying and selling process. Over the years, I’ve experienced many personality types on the other side of my transactions, and boy have there been some doozies!



tate for over 30 years and I’ve never...” without even discussing any of the requests with your seller client is an issue.

The aim should never be to make another person (especially newer agents) feel like they don’t know enough, or they don’t belong.

Our responsibility as senior agents when dealing with our peers, especially newer ones, should be to give consideration, cooperation, and reasonable care. Remember, you were once a newbie and not knowing as much as you know now was tough. The last thing you wanted was to have someone belittle you.

Instead, come from a place of positivity and embrace the new members of our real estate community. Pay it forward and answer their questions with a smile. And when returning calls, e-mails, or text messages, start with a friendly greeting. Engaging in these practices will not only make the agent on the other end feel good, but the actions will also lift your spirit as a result.

There is already way too much negativity in our world. Taking care of each other, in addition to our clients and customers, will make for a smoother transaction. Take heed, that newbie won’t be a newbie forever and you don’t know when you’ll need to reach out to that agent for information or an appointment to show their hot new listing in the future... what goes around comes around.

Kenyatta Jones-Arietta is the Broker/Owner of R2M Realty, Inc., licensed in NY, NJ and CT. R2M (Ready to Move) Realty was launched in 2014 and has two offices in Rockland County.

My takeaway from those experiences is that at the end of the day, it’s really important to remember that no matter how many sold signs you have under your belt or how many followers you have on social media, the transaction really isn’t about you. The business of helping buyers find homes for their families or businesses, and selling real estate is about providing a service—helping your client or customer; it’s about solving problems or fulfilling a need.

When agents let their egos get in the way of solely focusing on getting their client’s home sold or securing a home for their buyer client, the transactions become more drama-filled and/or more complicated than they need to be. Helping someone sell their home should have nothing to do with a short-term position of power. Asserting dominance for no real reason is a disservice to your client and to your fellow colleagues.

Don’t get me wrong, you have to do your due diligence. If your seller client requires a pre-approval before showings, that is what you do. However, when a repair rider is sent by the buyer’s rep, to aggressively tell the agent, “I’ve been selling real es-

Remember, you were once a newbie and not knowing as much as you know now was tough. The last thing you wanted was to have someone belittle you.

A View From 30,000 Feet: Understanding Current Legal Issues in Today's Real Estate Industry

If you're anyone involved in the real estate industry today, you know the environment is a vortex of laws, litigation and issues. However, from 30,000 feet you can get a calmer, bigger picture of what's going on. Today, I'll be your pilot and take you up into the air for a bird's eye view of what's happening around you, so place your trays in the upright position and fasten your seatbelts.

Cold Calling

Cold calling is still tied to any state of emergency. Currently, there are two states of emergencies (gun violence and asylum seekers) and even though they are wholly unrelated to real estate, they are in place and, therefore, it prohibits anyone from cold calling a member of the public regarding any possible future business unless they already have an established relationship.

However, there is a new law that increases the fine for cold calling from \$11,000 to \$20,000 for each violation.

Property Condition Disclosure Statement

A new law was passed that requires the addition of mold and flood disclosure information on the Property Condition Disclosure Statement (PCDS). But, more importantly, the law now prohibits the option to "opt-out" of the execution of the form for a payment of \$500 at the closing by the seller. This law takes effect on March 20, 2024; meaning that if you have a listing that goes under contract on March 20, the form must be provided. If prior to that date, you can still waive the form and pay the \$500. There are some issues with this law, including the fact that it has no enforcement or punishment provision if the form is not provided. There is also the question of whether the parties can agree to waive the PCDS. Some attorneys are looking to find loopholes in the law. Stay tuned for developments as this matter progresses.

NY Salary Transparency Law

New York State now requires that any job posting for an employee must now provide a salary range. While this may not appear to directly affect real estate agents, it may affect brokerages that hire employees, including assistants who work for real estate agents. Additionally, while independent contractors may not be required to comply with this rule, those of you who perform work in New York City are required to comply with the city's salary transparency law, which does apply to independent contractors. NYSAR has stated that it would be a best practice to include the following language (or similar) when looking to hire: "Real estate agents wanted. Compensation is based on commissions only."

0% Cooperating Compensation on the MLS

Previously, OneKey MLS required a nominal cooperating compensation on every listing that went on the Mul-

BARRISTER'S BRIEFING

By Brian S. Levine, Esq



tipale Listing Service. Often, members would see cooperating compensation of \$1.00. However, recently, in line with NAR's clarification and other MLS actions, OneKey MLS has now indicated that offering \$0.00 is, in fact, offered

amount to around \$4 billion.

Two parties have agreed to settle in these lawsuits. Those parties are Anywhere Real Estate Inc. and RE/MAX. Most importantly regarding these settlements is that both defendant parties

What is encouraged as a best practice is that agents begin to have a dialogue with their buyer clients to establish their value proposition and employ exclusive or non-exclusive buyer agency agreements that set forth compensation paid for by the buyer in the event that the listing agent does not offer any cooperating compensation.

compensation. They emphasized that while \$0.00 cooperating compensation is permissible, no member is required to offer that and that all members are encouraged to freely negotiate commissions with their clients. They further encouraged buyer agents to provide their value proposition to their clients and negotiate buyer agency agreements.

National Association Of Realtors Litigation

Sitzer/Burnett and Moehrl Cases: These suits allege that some NAR rules, including one that requires listing brokers to offer buyer brokers a commission in order to list a property on the MLS, violate the Sherman Antitrust Act by inflating seller costs. In effect, they claim that commission rates are too high, buyer brokers are being paid too much, and NAR's Code of Conduct and MLS Handbook, along with the corporate defendants' practices, lead to price fixing. NAR's position is that its rules are intentionally pro-consumer and pro-competitive.

Both lawsuits were certified as class actions. *Sitzer/Burnett* is scheduled for trial beginning Oct. 16, 2023 and should last approximately three weeks. In that suit, plaintiffs seek reimbursement of \$1.3 billion in commissions, as well as treble damages, which could

not negate the fact that many MLSs require NAR membership to gain access to the MLS.

REX Litigation

In this litigation, REX, a real estate company sued, NAR, Zillow, and Trulia, alleging that NAR conspired with these portals to separate MLS listing and non-MLS listings, as well as asserting that Zillow's actions amounted to false advertising or violated consumer protection statutes.

NAR was dismissed from the case, as the court found that there was not enough evidence to show a conspiracy between NAR and the portals. Then, in a recent jury decision, the court found in favor of all remaining defendants.

MLS Property Information Network (PINS) Litigation

In this case, NAR was not a defendant. In the case, the plaintiff asserted that MLS PINS, the largest MLS in New England, required listing brokers to offer a blanket, unilateral offer of compensation to buyer brokers in order to submit a listing.

MLS PINS agreed to settle the matter but did not admit any wrongdoing. As a part of the settlement, they agreed to pay the plaintiffs \$3 million in the settlement and overhaul their listing policy, including, removing the requirement that listings must offer cooperating compensation; that listing brokers are to notify sellers that they're not required to offer compensation to buyer brokers and that they can decline if a buyer broker requests compensation; and they will clarify that if the seller makes an offer to a buyer broker and the buyer makes a counteroffer, then any commission to be paid is negotiated among the seller, the buyer, the seller broker and the buyer broker.

Recently, the Department of Justice intervened in this settlement to question its "competitive impact." As a result, the court has provided a two-month extension of time to the deadlines related to the settlement.

Department of Justice Matter

In 2020, the Department of Justice began an inquiry into NAR's Participation Rule and Clear Cooperation policy. The parties came to a settled agreement in that matter. However, thereafter, the DOJ attempted to back out of the agreement and they sought to reinvestigate the same issues again. NAR filed a petition in court to compel the agreement and the court held that the DOJ must abide by the agreement and shut down the new probe.

As a part of that prior agreement, NAR moved forward with the terms of the settlement in good faith, including increased transparency for consumers by enabling brokerages to make offers of compensation public on their websites, and by amending the Code of Ethics to include that representation is not "free" or available at no cost to their clients, unless the Realtor will receive no financial compensation from any source.

Conclusion

As we come in for a landing, you can see that the real estate landscape is quite rocky. As things continue to develop, continue to check out my monthly articles. It's far better reading than the *Skymall* magazine in the seat back compartment; although I always wanted to buy one of the upside-down tomato plants.

Brian S. Levine, Esq. is General Counsel & Professional Standards Administrator for the Hudson Gateway Association of Realtors.

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or Mary.Prenon@HGAR.com

Redfin

As a result of the recent NAR sexual harassment and hostile workplace allegations, Redfin has indicated that, although not required, it is permitting its brokerages to withdraw from NAR membership.

Again, this permissive authority to withdraw from NAR membership does

Governor Hochul Signs Bill Requiring Disclosure of Flood Risk by Home Sellers

ALBANY—New York Gov. Kathy Hochul signed a bill on Friday, Sept. 22 that requires home sellers to inform home buyers as to whether a property is located in a flood risk area or has previously flooded.

The governor signed legislation (A.1967/S.5400) which establishes a flood risk “right to know” for homebuyers. Previously sellers could opt that the buyer get a \$500-credit at closing and the disclosure requirement was waived. The new law eliminates the “credit provision” and requires the disclosure of information concerning flood risk, flood history, and flood insurance on real property transactions. According to the New York State Association of Realtors, the new law will go into effect on March 20, 2024.

NYSAR stated in a Flash Update on Sept. 25 that Chapter 484 of the Laws of 2023, adds seven questions to the Property Condition Disclosure Statement (PCDS) related to the property’s flood status and experience.

In June, the bill passed the Assembly by a 106-38 margin and the State Senate by a 42-21 margin. The bill was delivered to the governor on Sept. 19. The Senate Flood Risk Disclosure bill was sponsored by State Senator Brad Hoylman-Sigal (D-WF 47th District), while the Assembly legislation was sponsored by Robert Carroll (D-WF 44th District).

The governor also signed a bill that amends the environmental conservation law to require the Department of Environmental Conservation to authorize and encourage the use of nature-based solutions to stabilize tidal shorelines in the state and provides such solutions should be considered when



The Hudson Valley has seen its fair share of flooding of late, including the torrential rains in July that caused significant damage to many sections of the region, including Highland Falls in Orange County. FILE PHOTO

promulgating and implementing rules and regulations

Hudson Valley state lawmakers, as well as leaders in the environmental community hailed the newly signed bills aimed to protect New Yorkers from the increasing instances of extreme flooding and the damage caused by these storms.

State Senator Shelley B. Mayer said, “After Hurricane Ida, many constituents reached out to me for assistance with flood damage. I was happy my office could help individuals, but the systemic impact of climate change requires much more. In the face of increased risk of flooding and climate change related hazards, it is critical we take proactive measures. Living shorelines can protect against flooding, improve water quality, and strengthen our resilience. I thank Governor Kathy Hochul for signing this important legislation

into law. I also thank my colleague Assemblyman Steve Otis for championing this legislation in the Assembly, and Save the Sound and Riverkeeper for their work inspiring this bill in their efforts to combat climate change and for working with my office on this legislation.”

Assemblymember Steven Otis said, “Living shoreline principles are vital to improving coastal resilience, reducing flood impacts, preventing shoreline erosion and protecting natural habitats. Thanks go to Governor Kathy Hochul, the NYS Department of Environmental Conservation, Riverkeeper, The Nature Conservancy, Save the Sound and other environmental groups who support these important policies. This is important legislation for coastal communities that will help advance nature-based policies at a time when sound practices are needed.”

Riverkeeper Senior Manager of Government Affairs Jeremy Cherson said, “Governor Hochul’s signature of the Living Shorelines Act and Flood Risk Disclosure legislation marks a major step forward for climate resilience in New York State. Responsible management of shorelines along tidal waterways, as envisioned in the Living Shorelines Act, will help ensure that permitting decisions support natural shorelines that provide habitat for wildlife as well as flood protections for communities. With Flood Risk Disclosure, New York will increase transparency around climate risk in our real estate market, empowering home buyers with information about the flood risk to their potential property.”

Save the Sound Vice President of Water Protection David Ansel noted, “After several years of work, we’re thrilled to see the Living Shorelines and Flood Disclosure bills become law. The governor’s signature and the overwhelming support in the legislature show New York’s leaders understand that we must take action to adapt to the stronger storms and rising sea levels of climate change. Using natural features such as native marsh grasses and shellfish reef instead of hardened structures like seawalls benefits shoreline communities, wildlife, and water quality. Ensuring transparency about flood risks helps individuals and communities make wise decisions for their futures. We thank Governor Hochul and the bills’ sponsors for their leadership. Now we look forward to working with partners across the region to these bills’ promise into healthier, more resilient coastlines and communities.”

NY State Issues RFP for Redevelopment of Former Bayview Correctional Facility in West Chelsea

ALBANY—New York Gov. Kathy Hochul announced on Sept. 26 that Empire State Development had issued of a request for proposals to redevelop the former Bayview Correctional Facility, located at 550 West 20th St. in West Chelsea in Manhattan into a primarily residential development providing supportive housing, affordable housing, and onsite community uses that will benefit area residents and reintegrate the structure into the surrounding neighborhood.

Built in 1931, the 100,000-square-foot art deco brick masonry building became a state-run medium-security women’s correctional facility in 1974, that was eventually closed due to flooding sustained during Superstorm Sandy in 2012.

Recognizing that the West Chelsea neighborhood has a critical shortage of affordable housing options, the redevelopment of Bayview will be a key catalyst for inclusive and sustainable urban development and will provide much needed housing for New Yorkers who require services within a supportive living environment, state officials noted. The redevelopment will also serve to enhance neighborhood vibrancy and the quality of life for residents in the surrounding area,

The deadline to submit a proposal to Empire State Development by Dec. 13, 2023 at 5:00 p.m.

“By reimagining the Bayview facility as affordable housing, we are not only creating more housing options for New Yorkers—we are expanding the possibilities of what former prisons and other unused state properties can become,” Gov. Hochul said. “New York’s future depends on increasing the



Built in 1931, the former Bayview Correctional Facility was closed due to flood damage sustained in 2012 from Superstorm Sandy.

state’s housing supply, and between the recommendations of the Prison Redevelopment Commission and executive actions I announced earlier this year, our state is taking leaps forward to repurpose these vacant facilities and leverage them as critical tools to address the housing crisis.”

Empire State Development President, CEO and Commissioner Hope Knight added, “The Bayview Correctional Center’s redevelopment offers a unique, forward-thinking opportunity to address New York’s long-term economic and housing priorities. Inspired by Governor Hochul’s unwavering commitment to enhance affordability in New York, this RFP aims to maximize the creation of both affordable and supportive housing, and address

real needs expressed by the community.”

The primary development objectives for the project are to provide affordable and supportive housing in partnership with New York State Homes and Community Renewal (HCR), to provide Short Term Transitional Housing in partnership with the New York State Office of Mental Health and to improve the wellness and economic opportunities in the neighborhood. The RFP requires respondents to consider the site’s historic art-deco design and the neighborhood’s character and include an onsite community use facility that supports the needs of the surrounding neighborhood, both of which are consistent with Manhattan Community Board 4’s Bayview re-

development plan.

Specifically, proposals should meet the following objectives:

- Benefit the West Chelsea neighborhood and surrounding communities including benefit to low- and moderate-income individuals and families and chronically homeless populations.
- Provide permanent low-income affordable housing and at least 60 units of supportive housing targeting families and individuals who are both homeless and who are identified as having unmet housing needs, as specified in the RFP.
- Provide community facility use.
- Provide for adaptive reuse of the historic building and features to the extent feasible.
- Provide in-kind replacement of the historic façade to the extent feasible; if determined not feasible, provide replacement with compatible substitute material, as determined in consultation with New York State Parks, Recreation & Historic Preservation.
- Comply with all OPRHP requirements.
- Incorporate sustainable and resilient building practices in accordance with the goals of the New York State Climate Leadership and Community Protection Act.
- Ensure meaningful participation by Minority Owned Business Enterprises, Women Owned Business Enterprises and Service-Disabled Veteran-Owned-Business.
- Ensure at least 51% Nonprofit Ownership, as compliant with HCR’s SHOP Term Sheet.
- Ensure greater Nonprofit Ownership by incentivizing greater ownership percentages.

Anywhere, RE/MAX in Proposed Settlement Agreements Will Not Require NAR Membership for Brokers/Agents

By John Jordan

WHITE PLAINS—After brokerage firm Redfin recently announced its intent to leave the National Association of Realtors over sexual harassment allegations that led to NAR President Kenny Parcel's resignation, comes news that two other major brokerage firms will not require its brokers or agents to be members of the embattled organization as part of settlement agreements in pending anti-trust litigation.

National real estate brokerage firms Anywhere Real Estate Inc. and RE/MAX, LLC recently announced terms of its previously proposed settlement agreements in the *Burnett* and *Moehrl* antitrust class action litigation in which NAR and several other brokerages are also defendants. In addition to NAR, Anywhere and RE/MAX, HomeServices of America and Keller Williams are also defendants in that litigation that centers on NAR's Participation Rule.

Anywhere Real Estate (formerly known as Realogy Holdings Corp.) announced on Oct. 6 it had agreed to pay \$83.5 million to settle all claims in connection with the *Burnett* and *Moehrl* cases. The company stated that the proposed settlement "is not an admission of liability, nor does it concede or validate any of the claims asserted against Anywhere." The proposed settlement includes injunctive relief requiring practice changes in Anywhere Advisors, the company's-owned brokerage operations, which includes Coldwell Banker Realty, Corcoran, and Sotheby's International Realty, for a period of five years following final court approval.

In addition, Anywhere has also agreed to recommend and encourage these same practice changes to its independently owned and operated franchise network across the Better Homes and Gardens Real Estate, CENTURY 21, Coldwell Banker, Corcoran, ERA, and Sotheby's International Realty brands.

A hearing for preliminary approval of the settlement is expected to occur in November with final court approval expected in mid-2024.

"I am pleased that Anywhere has reached a nationwide settlement with the plaintiffs in the *Burnett* and *Moehrl* cases," said Ryan Schneider, Anywhere Chief Executive Officer and President. "We believe this is the right course of action to remove future uncertainty and ongoing legal expense, serving the best interests of the company, our affiliated agents and franchisees, and shareholders, and enabling Anywhere to focus on moving real estate to what's next."



Sue Yannaccone, Chief Executive Officer and President, Anywhere Brands and Anywhere Advisors

"The proposed settlement provides releases for our owned brokerage operations and agents as well as our franchisees and their affiliated agents, a priority for Anywhere in resolving these claims," said Sue Yannaccone, Chief Executive Officer and President, Anywhere Brands and Anywhere Advisors.

Among some of the key components of the proposed settlement agreement include:

- Anywhere will prohibit company-owned brokerages and their affiliated agents from claiming buyer agent services are free.

- Anywhere will require company-owned brokerages and their affiliated agents to include the listing broker's offer of compensation for prospective buyers' agents as soon as possible in each active listing, consistent with MLS rules and/or capabilities of third-party website operators.

- Anywhere will prohibit company-owned brokerages and their affiliated agents from using any technology (or manual methods) to sort listings by offers of compensation, unless requested by the client.

- Anywhere has agreed to advise and remind company-owned brokerages, franchisees, and affiliated agents that the company has no rule requiring offers of compensation.

- Anywhere will not require company-owned brokerages, franchisees, or affiliated agents to belong to the National Association of Realtors or follow the NAR Code of Ethics or MLS Handbook.

- Anywhere will require company-owned brokerages and their agents to clearly disclose to clients that commis-

sions are not set by law and are fully negotiable.

- Anywhere will eliminate any minimum client commission requirements that company-owned brokerages may have.

- Anywhere has agreed to develop training materials for company-owned brokerages, franchisees, and affiliated agents that support all the practice changes outlined in the injunctive relief.

Meanwhile, RE/MAX has agreed to pay \$55 million in a proposed settlement agreement in the *Burnett* and *Moehrl* class action lawsuits.

On Oct. 6, RE/MAX President and CEO Nick Bailey in an update to its Affiliates, released terms of the proposed settlement that also included that the brokerage "will not require you to be members of the National Association of Realtors or follow NAR's Code of Ethics or the MLS Handbook. All U.S. RE/MAX brokerages will be free to determine whether NAR membership works best for them and their agents—and we'll support the choice either way. RE/MAX, LLC also won't hold affiliates to any current requirements in these areas."

"It's important to note that the nationwide settlement, which requires court approval, would release RE/MAX, LLC, the U.S. independent regions, and U.S. RE/MAX brokerages and affiliates—all of you—from any claims related to these lawsuits. It would also settle, on a nationwide basis, any similar claims that could be brought," Bailey stated. "We continue to deny the allegations made in the complaints and in no way acknowledge any wrongdoing. We also continue to believe in buyer agency, cooperative compensation and the idea that consumers are best served when they are working with real estate professionals. At the same time, we believe that protecting the network from costly litigation and the risk of further damages makes this settlement the right course of action."

RE/MAX's proposed settlement agreement mirrors many of the key provisions of Anywhere's settlement terms, include that the company "will continue to not express or imply a minimum commission requirement in any of our franchise agreements, training materials or other policies. In other words, RE/MAX brokerages and agents will continue to have the freedom to set and/or negotiate commissions as they see fit," Bailey stated.

The *Burnett* trial in Missouri is set to begin later this month. In early September when reports surfaced that Anywhere Real Estate had reached a settlement agreement, NAR stated



RE/MAX President and CEO Nick Bailey

that it would continue arguing its case against the two class-action lawsuits challenging real estate compensation structures.

"Settlement is always an option for any party in litigation. NAR's commitment to defend ourselves in court remains unchanged, and we are confident we will prevail in proving the lawfulness of the rules under attack," Mantill Williams, NAR's Vice President of Public Relations and Communication Strategy, said in a statement. "Pro-competitive, pro-consumer local MLS broker marketplaces ensure equity, efficiency, transparency and market-driven pricing options for home buyers and sellers. The practice of the listing broker paying the buyer broker's compensation saves sellers time and money by having so many buyer brokers participating in that local marketplace and, thus, creating a larger pool of buyers for sellers. For buyers, these marketplaces save them the burden of extra costs at closing, enable them to receive professional representation and make homeownership possible for more people."

Multiple published reports indicated NAR had announced a change in how it interprets its Participation Rule, which requires listing brokers to provide buyer brokers an offer of compensation in order to list on the multiple listing service (MLS), according to *HousingWire*.

Inman News first reported on Oct. 6 that while NAR previously stated that the offer of compensation could be as little as a penny or a dollar, NAR now states that listing brokers can offer nothing and still comply with its Participation Rule.

Harold Vogt Continued from page 4

orderly growth and the economic well-being of its citizens. If that is viewed as insensitive, self-serving, greedy, ruthless, tyrannical, dispassionate or worse, we are guilty, but comfortable with our conviction."

Vogt was frequently interviewed by and appeared in numerous media outlets throughout his impressive 50-year career. He gave generously of his time and talent and advised many entrepreneurs and small business owners. He also helped pave the way for the expansion of numerous global corporations into Westchester County.

"Harold had a passionate dedication to community and community service," The Business Council stated. He served on several boards of directors, including Blue Cross/Blue Shield of New York, Westchester Junior Achievement and Westchester Community College. After his retirement he

continued in service positions, including as the president of the boards for St. Tropez at Boca Country Club and Boca Golf & Tennis Country Club.

He was born in Clifton, NJ, the son of Harriet and J. Ernest Vogt. He received his B.S. and Master's degrees from Montclair State College, and held an organizational business management certification from Notre Dame.

He is survived by his loving wife, Toni, and his three children, Jenifer, Lynn and Glen. His son, Greg, predeceased him.

A private memorial service will be held in Boca Raton, FL. For those who wish to honor Vogt's memory, donations may be made to the American Red Cross/Ukraine Relief P.O. Box 37839 Boone, Iowa 50037-0839. Condolences to the family can be sent to: Vogt Family, 21755 Arriba Real, Apt 29C, Boca Raton, FL 33433.



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Attorney General, WRO Settle Discrimination Cases Against New Rochelle Real Estate Management Firm

Continued from page 7

es and \$95,000 in damages to WRO in their litigation. PIG will also implement an antidiscrimination policy that conforms with federal, state, and local housing laws, and explicitly include in all rental listings that Section 8 vouchers will be accepted. They will also be required to set aside 20 units for tenants holding government housing subsidies like the Section 8 Housing Choice voucher. In addition, the Platzners, their staff, and partners will have to undergo mandatory training on relevant federal, state, and local fair housing laws and be subject to random compliance testing.

"Housing enforcement is the difference between a family being able to use their housing voucher and being homeless," said Aaron Carr, Founder and Executive Director of Housing Rights Initiative. "We thank Attorney General James and her team for their partnership in proactively and system-

atically enforcing New York State's anti-discrimination laws and holding brokers and landlords accountable."

"We are pleased to be able to work with Attorney General James' Office to fight discrimination against voucher holders who are denied equal access to housing opportunities solely because of their lawful source of income," said Marlene Zarfes, Executive Director of Westchester Residential Opportunities. "Source of Income discrimination is widespread and targets the most vulnerable of our society. This settlement should remind housing providers of their equal housing obligations and help to increase housing opportunities for voucher holders as intended under state and county fair housing laws."

Zarfes added, "Open and equal access to housing for holders of Section 8 and other housing vouchers is fundamental to the fair housing rights of voucher holders, and vital to the

proper functioning of the Section 8 program."

"Attorney General Letitia James is looking out for all New Yorkers—and Westchester residents—by ensuring all have a fair shot when looking for a place to live. We are facing a housing crisis and increasing access to those in need is one step toward solving this longstanding challenge," said Westchester County Executive George Latimer.

Last year, Attorney General James took action to stop "tenant blacklisting" and partnered with HRI to stop the real estate company Compass from denying housing to low-income New Yorkers. In July 2022, she recovered nearly \$300,000 of illegally withheld security deposits for Brooklyn tenants. In April 2022, she sued Brooklyn-based eviction lawyers for engaging in deceptive rent collection practices and initiating frivolous lawsuits against New York tenants.

The Platzner matter is being led by Sandra Giorno-Tocco, Assistant Attorney General for Public Advocacy in the Westchester Regional Office of the Attorney General led by Jill Faber, Deputy Attorney General for Regional Affairs and Jane Landry-Reyes, Assistant Attorney General in the Housing Protection Unit, led by Brent Meltzer, Chief of the Housing Protection Unit. The Housing Protection Unit is a part of the Division for Social Justice, which is led by Chief Deputy Attorney General Meghan Faux and overseen by First Deputy Attorney General Jennifer Levy.

WRO was represented by Mariann Wang and Daniel Mullkoff of Cuti Hecker Wang LLP. WRO's investigative and enforcement work in this case was made possible by funding from Enterprise Community Partners under the Eliminating Barriers to Housing in New York program and from New York State Homes and Community Renewal.

Critical Changes to the New York Property Condition Disclosure Statement Act Effective on March 20, 2024

Continued from page 5

damage" relating to the property and would have likely required the seller to provide a different response.

Where Do We Stand Now?

The newly amended Act will certainly require sellers to complete and deliver the new PCDS to purchasers starting March 20, 2024. It will require real estate licensees to be sure to review and comply with the requirements of Section 466. It is critical for licensees to strongly recommend to their buyer and seller clients early on to discuss the ramifications and requirements of the PCDSA with their attorneys. Sellers should be referred to their attorney and instructed not to complete the PCDS until they have conferred with

counsel.

Most importantly, it will require attorneys, particularly those practicing in downstate New York, to review existing case law, the entire act and the PCDS very carefully. They must be sure to advise their clients and stress the importance of answering all of the questions honestly and explain to their seller-clients what the term "actual" knowledge means in the context of completing the PCDS. Attorneys representing sellers must also be sure to include the necessary "as is" merger, and non-survival provisions in their contracts and riders.

Section 462(1) specifically provides that "nothing contained in this article or this disclosure statement is intended to prevent the parties to a contract

of sale from entering into agreements of any kind or nature with respect to the physical condition of the property to be sold, including, but not limited to, agreements for the sale of real property 'as is.'" Therefore, attorneys will need to sharpen and refine existing contract language to protect sellers to the furthest extent possible.

Additionally, the purchaser's attorney will need to explain now, more than ever, that simply because the seller is providing a PCDS and disclosing certain information relating to the condition of the property, the purchaser must conduct all of the necessary and required inspections. In fact, the PCDS expressly provides that it "IS NOT A WARRANTY OF ANY KIND BY THE SELLER" and "IT IS NOT A SUBSTITUTE FOR ANY

INSPECTIONS OR TESTS." The newly amended PCDSA will certainly change the landscape of real estate transactions in the coming years but how exactly is yet to be seen. All that can be done now is to be prepared.

John Dolgetta, Esq. is the principal of the law firm of Dolgetta Law, PLLC. For information about Dolgetta Law, PLLC and John Dolgetta, Esq., please visit <http://www.dolgettalaw.com>. The foregoing article is for informational purposes only and does not confer an attorney-client relationship and shall not be considered legal advice. The views and opinions expressed in this article are solely those of the author and do not necessarily reflect the views or positions of HGAR, its affiliates, or any other entity.

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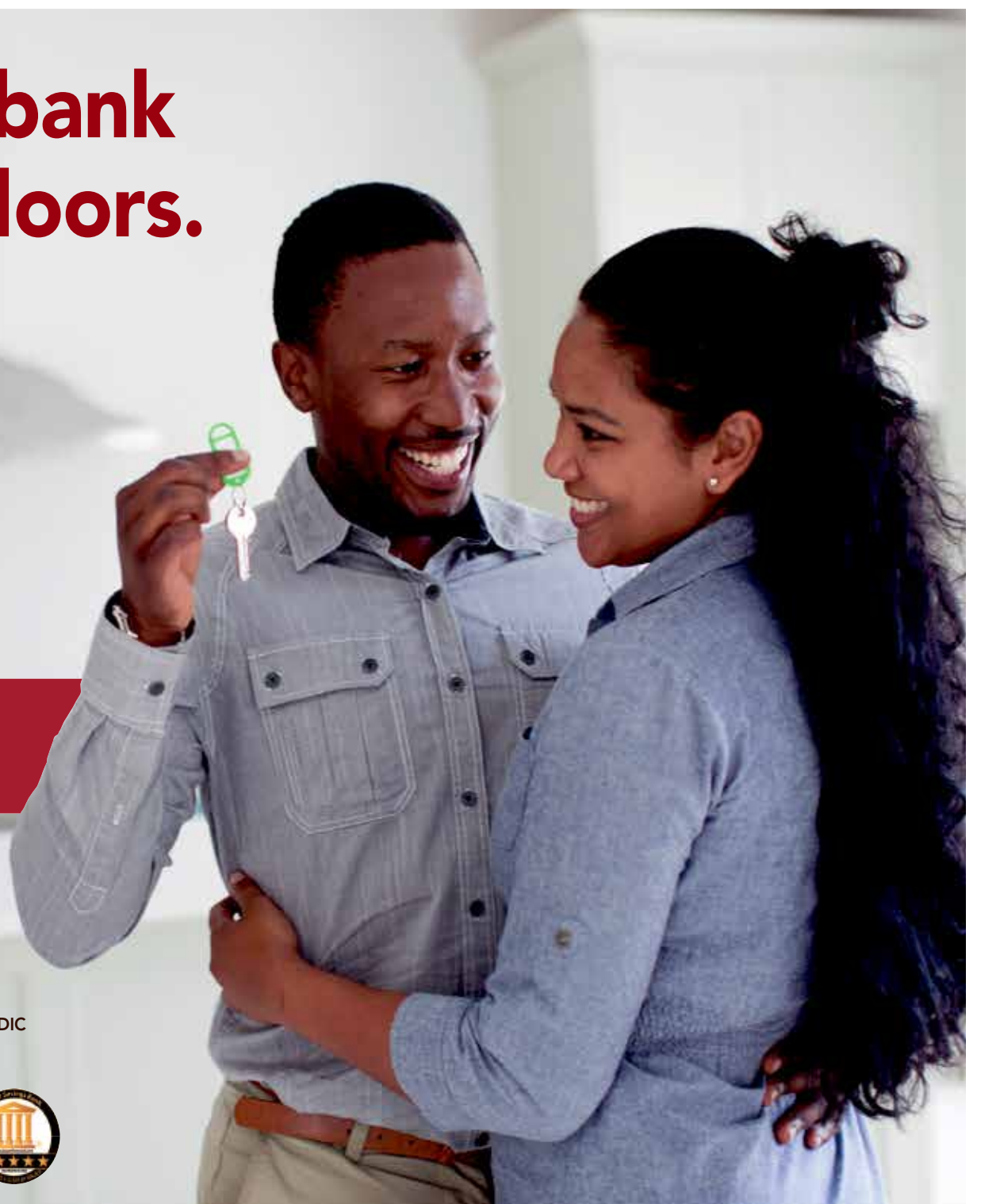
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Grand Lux Realty reported recently that **Cameron Bock** has joined the firm's Stony Point office as a licensed real estate salesperson. Brokerage officials report that Bock has been a successful real estate agent for five years, helping clients find their dream homes. In

Cameron Bock

his free time, Bock indulges in his passion for music and is an accomplished drummer.

McCullough, Goldberger & Staudt LLP Senior Partner **James Staudt** will be honored by the Westchester County Bar Foundation, Inc. for his leadership and service to the community. Staudt is a past President of the Foundation.

He will be recognized at the Westchester County Bar Foundation's 12th Annual Benefit at the Fenway Golf Club in Scarsdale on Nov. 16 alongside Hon. Anne E. Minihan, Administrative Judge for the Ninth Judicial District. The Bar Foundation is a charitable organization whose primary work is to fund the salaries of young public interest lawyers working for not-for-profits serving those in need. All proceeds of the event will fund their work.



James Staudt

As Senior Partner at McCullough, Goldberger & Staudt, Staudt heads the firm's municipal practice group and has practiced municipal, land use and real estate law throughout eastern New York. He is also Senior Chair of the Board of United Hebrew Geriatric Center in New Rochelle, a not-for-profit serving the elderly, especially the elderly poor.

Rockland County Executive Ed Day recently announced two staffing changes that took effect on Oct. 2. **Jim Elcik**, Director of **Consumer Protection**, is retiring and will be replaced by current Principal Assistant County Attorney **Kimberly Von Ronn**. Elcik was first named Director of Consumer Protection in January 2019.



Jim Elcik

Prior to being named director, he was a former United States Marshal who rose through the ranks beginning as a Deputy US Marshal in January of 1991 before retiring in May of 2018 as Assistant Chief Deputy US Marshal for the Eastern District of New York. Elcik brought a renewed focus on enforcement within



Kimberly Von Ronn



From left, HGAR's Leah Caro and 2023 NYSAR Immediate Past-President Jennifer Vucetic

HGAR's Caro Wins NYSAR's 'Alan Yassky Distinguished Service Award' for 2023

ALBANY—The New York State Association of Realtors announced on Oct. 6 it had honored Leah Caro of the Hudson Gateway Association of Realtors as the "Alan Yassky Distinguished Service Award" winner during the association's recent 2023 "Elevate Your Profession" Fall Business Meetings held at the Turning Stone Resort & Casino in Verona, NY.

Caro is the President and Principal Broker of Park Sterling Realty in Bronxville. She is the fourth winner of the Alan Yassky Award, which recognizes significant industry contributions throughout a Realtor's career at the local, state and national level. These leaders are true professionals and outstanding citizens in their community, NYSAR stated.

Caro was the 2009 President of the Westchester-Putnam Association of Realtors (a predecessor organization of HGAR) and the 2015 President of the Hudson Gateway Multiple Listing Service. She received HGAR's first President's Award in 2013 and was the association's Realtor of the Year in 2012. Additionally, she was bestowed HGAR's Albert P. Schatz Legislative Award in 2018.

She has served NYSAR since 2007 and has been an active

member of the state association's Board of Directors. She has been a staunch supporter of the Realtors Political Action Committee (RPAC) and has led NYSAR's "Hill Visits" to Washington, DC for more than a decade. She currently serves as the Federal Political Coordinator to U.S. Rep. Jamal Bowman.

"It's a huge honor to be acknowledged by my peers, many of whom have been serving with integrity and passion for many years as well," Caro said. "I thank you for this honor."

HGAR President Tony D'Anzica said of Caro's award: "Leah Caro embodies the spirit of Realtor activism. It is a fundamental role of every Realtor Association to promote public policies and candidates who believe in building strong communities, protecting property rights, and creating a vibrant business climate. For decades Leah Caro has staunchly advocated for Realtors at the local, state and national levels. As the President of HGAR, I am proud to say that Leah has been a role model and inspiration to me over the years that I have served with her, and I can think of no better person more deserving of the Alan Yassky Distinguished Service Award than Leah Caro."



From left, Acacia Network's CEO Lymaris Albors, HGAR's Eliezer Rodriguez, Board Chairwoman Carmen J. Villa-Lugo and Acacia President Raul Russi

HGAR's Rodriguez Honored By Acacia Network Board

WHITE PLAINS—Eliezer Rodriguez, Regional Director of Government Affairs for the Hudson Gateway Association of Realtors, received the Board Recognition Award from the Acacia Network at its 2023 Annual Board of Directors Training & Development Conference held on Sept. 23 at the Sonesta White Plains.

In its award letter to Rodriguez, the Acacia Board of Directors singled out Rodriguez for his work in advancing the Latino community and the organization's mission. "You have been a pillar and outstanding leader in the community. This recognition is rooted in your many achievements, your passion, and unconditional commitment to the network and the communities we serve," the Acacia Board stated.

The Acacia Network is one of the leading human services orga-



nizations in New York City and the largest Hispanic-led nonprofit in the state, serving more than 150,000 individuals every year. Its programs serve individuals at every age and developmental level, from the very young through its daycare programs to mature adults through its older adult centers.

the Office of Consumer Protection that County Executive Day is confident the new director will continue.

"Jim did a phenomenal job as our Consumer Protection Director, investigating nearly 700 complaints last year alone—a 50% increase from the year prior. Those investigations resulted in 142 prosecutions for unlicensed contracting and resulted in \$88,000 being returned to homeowners. That's up 80% from 2021. While Jim's retirement is undoubtedly a loss for our county, he will be capably replaced by current Principal Assistant County Attorney Kimberly Von Ronn," said County Executive Ed Day. "Kim has served in her position since 2021 and I am fully confident in her abilities to continue protecting consumers here in Rockland."

During her time as Principal Assistant County Attorney, Von Ronn was pivotal in developing and launching the county's new Office of Buildings and Codes (OBC) which included crafting the policies and procedures in this first-ever initiative by the state, in addition to overseeing the prosecution of New York State Fire Prevention and Building Safety Code violations, man-

aging attorneys and litigation assistants, and providing managerial support to the director.

"Kim Von Ronn has done an incredible job assisting my administration in launching this entirely new Office of Buildings and Codes, a near-insurmountable mission in a village best described as ground-zero for illegal housing problems in our county," said County Executive Day. "After seeing how seamlessly she took on some of our most egregious landlords putting lives at risk, I have no doubt she will lead Consumer Protection with the same veracity." The Director of Consumer Protection job pays \$128,285 annually.

Joe Simone, President of **Simone Development Companies** of the Bronx, has been named Centennial Chair of the American Heart Association's Heart of New York City, a year-round effort aimed at investing in and saving and improving lives in the five boroughs. The Heart of New York City culminates with the Heart of New York City Gala in June, an event that

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HGAR UPDATE

SECOND NOTICE OF ANNUAL MEETING

Hudson Gateway Association of REALTORS®, Inc.
Report of the HGAR Nominating Committee
To be Presented at the HGAR Annual Meeting.
October 30, 2023

The 2023 Annual Meeting of the Hudson Gateway Association of REALTORS®, Inc. will take place on October 30, 2023, at 3:30 PM at the Westchester Marriott, located at 670 White Plains Road, Tarrytown, New York, 10591. Due to the ongoing COVID-19 pandemic, Hudson Gateway Association of REALTORS®, at its sole discretion, reserves the right after providing ten (10) days written notice, to convert this live meeting to a virtual meeting. The voting business at the Annual Meeting will include the Report of the Nominating Committee:

The election of Officers in accordance with Article XI, Section 4, subsection (f), the election of HGAR Directors in accordance with Article XI, Section 4, subsection (d), and the election of six (6) Regional Directors in accordance with Article XI, Section 3, subsection (a)(2) of the Bylaws, representing the counties of Bronx, New York (i.e., Manhattan), Putnam, Orange, Rockland and Westchester, replacing Directors and Officers with terms expiring at the end of 2023. The HGAR Nominating Committee has submitted the following slate of candidates for election to serve as Officers and Directors on the HGAR Board of Directors commencing on January 1, 2024.

President

Carmen A. Bauman
Green Grass Real Estate Corp.
141 Parkway Road, Suite 9
Bronxville, New York 10708

President Elect

Vlora Sejdi
HomeSmart Homes & Estates
777 Westchester Ave.
White Plains, NY 10604

Treasurer

Joseph Lippolis
BHHS River Towns Real Estate
983 Main St.
Peekskill, NY 10566

Secretary

Rey Hollingsworth Falu
Hollingsworth Real Estate Grp.
75 S. Boardway, 4th Floor
White Plains, NY 10601

Immediate Past President

Tony L. D'Anzica
DynaMax Realty NYC, Inc.
1463 5th Ave.
New York, NY 10035

Previous Past President

Anthony Domathoti
Exit Realty Premium
813 Morris Park Ave.
Bronx, NY 10462

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2023 HGAR RPAC HONOR ROLL

as recorded by NYSAR September 30, 2023

Thank you to the following Members
who lead the way in the 2023 RPAC campaign

Platinum R \$10,000

Dorothy Botsoe, Dorothy Jensen Realty Inc., White Plains
Anthony Domathoti, Exit Realty Premium, Bronx
Richard Haggerty, OneKey MLS, Farmingdale
Nancy Kennedy, Houlihan Lawrence Inc., Croton-on-Hudson
Michael Schmelzer, Tyrax Realty Management Inc., Bronx

Golden R \$5,000 – \$9,999

Tony, D'Anzica, DynaMax Realty NYC, Inc., NYC
Susan Goldy, Susan E. Goldy Inc., Bronx
Irene Guanill, De Luca Realty Group, Inc., Bronx
Brian Phillips, Douglas Elliman Real Estate, Bronx

Crystal R \$2,500-\$4,999

T. Teresa Belmore, Keller Williams NY Realty, White Plains
Layla Boyles, CENTURY 21 Realty Center, Monroe
Ronald Garafalo, John J Lease Realtors, Middletown

Sterling R \$1,000-\$2,499

Mark Aakjar, Marks Inspections, Ossining
Carmen Bauman, Green Grass Real Estate Corp., Bronxville
Emran Bhuiyan, Exit Realty Premium, Bronx
Debra Budetti, ERA Insite Realty Services, White Plains
Leah Caro, Park Sterling Realty, Bronxville
Carol Christiansen, McGrath Realty Inc., Mount Kisco
Gary Connolly, Hudson Gateway Association of Realtors, White Plains
Katheryn DeClerck, Howard Hanna Rand Realty, Goshen
J.P. Endres, Howard Hanna Rand Realty, New City
Lynda Fernandez, Hudson Gateway Association of Realtors, White Plains
Michael Gibbons, Azimuth Global Realty Inc., Tarrytown
Susan Greenfield, Brown Harris Stevens, NYC
Crystal Hawkins Syska, Keller Williams NY Realty, White Plains
Joseph Houlihan, Houlihan & O'Malley, Bronxville
Barry Kramer, BHG Real Estate Choice Realty, Scarsdale
Brett Lando, Gahagan Lando & Wagner LLP, White Plains
Cynthia Lippolis, BHHS River Towns Real Estate, Croton-on-Hudson
Joseph Lippolis, BHHS River Town Real Estate, Croton-on-Hudson
Clayton Livingston, McGrath Realty Inc., Pawling
Carole McCann, Hudson Heritage Realty, Washingtonville
Tana McGuire, eXp Realty, White Plains
Darin (Nan) Palumbo, Green Grass Real Estate, Bronxville
Eli Rodriguez, Esq., Hudson Gateway Association of Realtors Inc., Bronx
Matthew Schmelzer, Tryax Realty Management Inc., Bronx
Chris Scibelli, Keller Williams Realty, Chester
Christina Stevens, Laujel Realty Corp., Bronx

President's Club \$500-\$999

Matthieu Alliro, Julia B Fee Sotheby's Int. Realty, Scarsdale
Irene Amato, A.S.A.P. Mortgage Corp., Peekskill
Stephanie Baran, Rhinebeck Bank, Poughkeepsie
James Coleman, Houlihan-Parnes Properties, White Plains
Jana Currier, Hudson Gateway Association of Realtors, Inc., White Plains
Angela Demaris, PrimeLending, Newburgh
Kevin Dwyer, Dwyer Agency, Mahopac
Rey Hollingsworth Falu, Hollingsworth Real Estate Group, White Plains
Ismail Kolya, eXp Realty, White Plains
Roseann Paggiotta, eXp Realty, White Plains
Deborah Robertson, PowerHouse Solutions, Inc., Great Neck
Vlora Sejdi, HomeSmart Homes & Estates, Shite Plains
Maryann Tercasio, Howard Hanna Rand Realty, Central Valley
Lou Triscari, United Property Restoration, Elmsford
Kathy Zamechansky, KZA Realty Group, Bronx
Renee Zurlo, Howard Hanna Rand Realty, Central Valley
Capitol Club \$250-\$499
Roberta Bangs, Howard Hanna Rand Realty, New City
Joseph Cosentino, Morris Park Realty Group, Bronx
Mackenzie Forsberg, Genesis Realty Group LLC, Bronx
Debbie Goldstein, Howard Hanna Rand Realty, Central Valley
Marianne LePore, Corcoran Legends Realty, Tarrytown
Bill Liebertz, Valley National Bank, Middletown
Joseph A. Marra, Law Offices of Joseph A. Marra, Yonkers
Harding Mason, Houlihan Lawrence, Inc., Katonah
Diane Mitchell, Wright Bros Real Estate Inc., Nyack
Anthony Mormile, Orange Bank & Trust, Bronx
Valerie Port, McGrath Realty Inc., Pawling
Matthew Reid, CrossCountry Mortgage, Pearl River
Alexander Roithmayr, Hudson Gateway Association of Realtors, Inc., White Plains
Jennifer Rousset, Howard Hanna Rand Realty, New City
Ron Sierra, Pillar to Post Home Inspectors, Rye Brook
Cathleen Stack, Hudson Gateway Association of Realtors, Inc., White Plains
Veronica Suarez, RE/MAX Distinguished Homes & Property, Tuckahoe

\$99 Club \$99-\$249

Arif Ahmed, Michelina, Arminio, Kim Armistead, Vincent Aurigemma, Claudia Barnes, Diane Blanton, Lyra Blumenthal, Barbara Bodnar, Timothy Bohlke, Zaria Braxton, Angela Briante, Rose Bulfamantle, Randall Calano, Susan Camus, Nancy Chochrek, Louise Colonna, Terra Corning, Michael Criscuolo, Lawrence Curasi, Nancy Curasi, James Damiani, Gina De Cerbo, Thomas DeCaro, Dianne DeFalco, Laurie DiFrancesco, Joseph Distelburger, Deborah Doern, Debra Durkin, BrandiAlexis Dyer, Sherif Elshoubri, Roseann Farrow, Gail Fattizzi, Freddimir Garcia, Donna Gennaro, Debra Goodwin, Marie Graham, Alisa Haitoff, Robin Ham, Katherine Han, D. Gloria Hernandez, Sarah Hughes, Laura Jackman, Clayton Jeffrey, Katherine Jennings, Annmarie Kovacs, Mary Krische, Rosalie Kunert Sauter, Ruth Lara Deane, Andrew Leahy, Gary Leogrande, Abraham Lowy, Laurel Lustgarten, Jennifer Maher, Michael Martell, Caterina Massaregoli, Rebecca Matta-Candela, John Mc Carey, Karen McCabe, Donna McKenna Edlund, Richard McLymont, Erica Menendez, Don Minichino, Janine Mosher, Kristina Mullings, Eve Neuman, Altigracia Patalano, Shivanie Patino, Howard Penn, Gina Ann Perriello, Julia Piazza, Britzeida Pichardo, Kimra Pierre, Heather Pinieri, Cathleen Ripley, Anthony Ruperto, Brittany Sandarcio, Steven Scarnati, Elsa Seguinot, Barbara Shaver, Anthony Sibio, Beth Siciliano, Eric Stein, Kathleen Strong, Eric Stuerken, Karen Taphorn, Yoko Tew, David Todd, Gregory Tsougranis, Carl Van Denmark, Sonny Vataj, Shanese Williams

TOTAL: \$241,318 84% towards goal

With 3,000 contributors; 67% towards participation goal

Goal: \$288,025 from 4,469 contributors

SPOTLIGHT ON

Joan Marks

Focused on Raising Awareness Of the HG Realtor Foundation

By Mary T. Prenon

Joan Marks, Vice Chair of the HG Realtor Foundation Fundraising Committee, has been an Associate Broker with Christie's International Real Estate for the past three-and-a-half years. As the Manager of its Westchester/Hudson Valley region, Marks spends her time overseeing the Scarsdale, Chappaqua and White Plains offices.

While a Westchester resident for only five years, she has become very familiar with the county and now calls White Plains her home. But living the suburban life is quite a change for Marks, who grew up in Manhattan and enjoyed a corporate career in New York City's financial world. "As a kid in the big city, it was really great back then," she recalled. "I had a lot of independence, riding buses and trains by myself. I was also exposed to a lot of culture at a young age—ballet, opera, theater. I didn't know any different and

it was a very exciting time."

A business major in college, Marks spent the bulk of her early career with financial giants like Citibank and Dreyfus, working in sales and marketing. "I started out in sales working with higher net worth clients and then moved towards non-sales on the marketing side," she said.



Eventually, she married and moved to Fort Lee, NJ to start a family, and in 2001, she made

the switch to real estate. "I left the corporate world when I had my third child," she noted. "I always liked the business world, so real estate gave me the opportunity to continue my business career and use my corporate skills, but with more flexibility."

Because of her background, Marks found the transition to real estate fairly smooth. "I was able to look at this career as a business and give it a different perspective," she added.

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Please Welcome The Following New Members To Your Area:

Designated Realtor

Anne H. Chang Jade Stone Real Estate, Inc. 1460 Broadway, 11th Fl. New York, NY 10036 917-810-8592... [List of other designated realtors]

Affiliate

Jai Laporte CertaPro Painters 532 N. Bedford Rd. Bedford Hills, NY 10507 914-245-2260... [List of other affiliates]

Realtor

Kristy Abreu YCL Real Estate Consulting, Riverdale... [List of other realtors]

BOARDROOM REPORT

Boards of Directors Hudson Gateway Association of Realtors, Inc.

Joel Arias Iconic Pros, Scarsdale... [List of board members and their firms]

Leib Hershkovitz Master Realty Group Inc., Monroe... [List of board members and their firms]

Avrohom Lieber Voro LLC, Manhasset... [List of board members and their firms]

Victoria A. Senatore R2M Realty Inc., Nyack... [List of board members and their firms]

SECOND NOTICE OF ANNUAL MEETING Continued from page 13

Regional Director and Chapter Representative Bronx County

Joseph Cosentino Morris Park Realty Group 1965 Williamsbridge Rd. Bronx, NY 10461

Regional Director and Chapter Representative New York County (i.e., Manhattan)

Lee Presser eXp Realty NYC 1501 Broadway, 12th Floor New York, NY 10036

Regional Director Putnam County

Aaron C. Velez Houlihan Lawrence Inc. Town Centre at Somers 104 Village Square Somers, NY 10589-2305

Regional Director Orange County

Carole M. McCann Hudson Heritage Realty 57 E Main St. Washingtonville, NY 10992

Regional Director Rockland County

Jennifer Rousset Howard Hanna Rand Realty

268 S. Main St. New City, NY 10956

Regional Director Westchester County

Crystal Hawkins Syska Keller Williams NY Realty 120 Bloomingdale Rd., Suite 101 White Plains, NY 10605

Directors

Joseph Houlihan Houlihan & O'Malley Real Estate Services 141 Parkway Rd. Bronxville, NY 10708

Maryann Tercasio Howard Hanna Rand Realty 299 Route 32 Central Valley, NY 10917

Ronald Garafalo John J. Lease REALTORS® Inc. 495 Schutt Rd. Ext. Middletown, NY 10940

Shanese Williams eXp Realty 777 Westchester Avenue, Suite 101 White Plains, NY 10604

Timothy Bohike Howard Hanna Rand Realty 268 South Main Street New City, NY 10956

Classification of Directors

Class 1 Directors terms of office shall expire December 31, 2025, and every three years thereafter. Class 2 Directors terms of office shall expire December 31, 2026, and every three years thereafter. Class 3 Directors terms of office shall expire December 31, 2024, and every three years thereafter.

Regional Director terms shall expire on December 31, 2024.

Members of the Nominating Committee

The Nominating Committee members filing this report were: Anthony Domathoti, Chair; Susan Goldy, Renee Zurlo, Diane Mitchell, Christina Stevens, Ruth Lara Dean and Ismail Kolya.

ALTERNATIVE NOMINATIONS BY PETITION:

REALTOR® Members may file petitions to nominate candidates other than those proposed above for any of the Director positions. A petition must be signed by at least three percent (3%) of those REALTOR® Members of HGAR eligible to vote. Further, the REALTORS® must be affiliated with at least twenty (20) different REALTOR® firms. Branch offices do not count as separate firms. The Officer positions are not subject

to petition challenges because they are subject to election by the HGAR Board of Directors.

Any such petition must be filed with the 2023 HGAR Board of Directors at least twenty-one (21) days before the election, accordingly, on Monday, October 9, 2023. The petition must state the name and firm of the candidate(s). A link to a copy of the HGAR By-Laws is posted at www.hgar.com. Petitioners are strongly urged to consult with the HGAR CEO or other executive staff members, to be assured of a proper understanding and interpretation of the Bylaws. In the event that nomination petition(s) are filed, HGAR must post at the HGAR offices and also provide notice of such additional nominations to all members eligible to vote in such election at least fourteen (14) days prior to the annual meeting (i.e., not later than Monday, October 16, 2023) by email and/or publication in Real Estate In-Depth.

PROXY VOTING

REALTOR® members may vote in person or by proxy at the annual meeting. The person who attends and votes may act as proxy for only one absent REALTOR®. A proxy ballot and the procedure for voting by proxy will be posted on the member only pages of www.hgar.com no later than October 2, 2023.

*Indicates current member who opened an office as a broker. **Secondary Member

NOVEMBER 2023

Course Schedule
via ZOOM

*Course qualifies for the Virtual Card

- November 2-** Fair Housing for Today* with Carole McCann
Legal Update* with William O’Keeffe
- November 3-** Building Your Commercial Real Estate Business with Edward Smith, Jr.
- November 7-** Implicit Bias: How the Mind Makes Decisions Without You* with E’Patrice Hayes
Cultural Competence: A Real Estate Perspective* with E’Patrice Hayes
- November 9-** Do’s and Don’ts of Real Estate Ethics and Agency* with Elizabeth Boucher
- November 13-** Small Investment Properties (Two Days)* with John Yoegel
- November 14-** Matrix 1: Introduction to Matrix* with Kevin O’Shea
- November 16-** Buyer Confusions in a Transitioning Market* with Katheryn DeClerck
- November 21-** Matrix 2: The Next Step into Matrix* with Kevin O’Shea
- November 28-** Matrix 3: Matrix to the Max* with Kevin O’Shea

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CALENDAR

OCTOBER

October 26

Commercial & Investment Division
Monthly Roundtable
And Marketing Session
HGAR White Plains, 9:00 AM – 11:30 AM

October 30

107th Annual Member Appreciation Day
Westchester Marriott Hotel, Tarrytown,
8:00 AM – 5:00 PM

NOVEMBER

November 2

Broker/Owner/Manager Meeting:
Cooperation, NAR and Our Future
HGAR White Plains, 9:30 AM – 11:45 AM

November 6

Putnam County Day
Putnam Golf Course, Mahopac,
8:30 AM – 12:00 PM

November 8

HGAR Board of Directors Meeting
HGAR White Plains,
10:00 AM – 12:00 PM

November 14 – 16

NAR NXT,
The REALTOR® Experience
Anaheim Convention Center,
Anaheim CA

November 20

A Legislative Breakfast
With City Council Members
Residence Inn by Marriott, Bronx
8:00 AM – 11:00 AM

November 23 – 24

HGAR Office Closed
- Thanksgiving

As the Climate Changes So Do the Laws

I don't know about you, but it seems like I have heard the phrase "once in a lifetime storm" about 18 times between Superstorm Sandy and the July storms that recently flooded the Hudson Valley. So, either time has sped up or that phrase has lost all its meaning. Regardless, we live in a time where flooding, forest fires and storms are affecting almost every industry.

In some areas, major insurers are no longer providing coverage to whole states. In New York State, we are dealing with the climate reality both in the increase of actual storms and the government's response to those increases in storms. In recent years, Albany has had a dynamic response to climate change, and often those responses intersect with our industry. Here are some examples of how those responses have affected our day-to-day lives.

Many of you are aware of the ban on telemarketing during a state of emergency. HGAR and NYSAR have worked hard to get the law lifted. We managed to get a law passed in the New York State Assembly and are still fighting the Senate to gain passage of the proposal. What you might not be aware of is that this law's origins came from a response to a storm. In 2018, the Hudson Valley was hit with back-to-back snowstorms. In an attempt to help the situation, a bill was created to ban telemarketing calls during states of emergencies so individuals can fo-

LEGISLATIVE AFFAIRS

By Alexander Roithmayr



cus on getting a call from the power company. This well-intentioned law unfortunately had unintended consequences now that we live under two

requirements prohibit the installation of fossil fuel equipment and building systems—a new term defined in the law—and are phased in by building

This well-intentioned law unfortunately had unintended consequences now that we live under two to three states of emergency at any given time—and, all the while, it does not seem to have done anything about the number of calls I receive about my car's warranty.

to three states of emergency at any given time—and, all the while, it does not seem to have done anything about the number of calls I receive about my car's warranty. But worry not, for with your help, this legislative session we can put enough pressure on the Senate to pass our bill to correct this law.

More recently, New York State has made some major changes to new building requirements. The coming

height. The prohibition starts in 2026 for new buildings up to seven stories tall, except for commercial and industrial buildings larger than 100,000 square feet. In 2029, new buildings of all sizes must be built without fossil fuel equipment. While home builders, especially multi-unit developers, have struggled to build the adequate amount of housing under the current development climate, a number of

fast-approaching incremental environmentally-friendly requirements are not likely to speed up home production.

Even more recently on Sept. 22, Gov. Kathy Hochul signed into law a bill that will help consumers make more informed choices when purchasing a home in New York as it relates to property flood status and experience. In detail, this will be done by adding seven questions to the Property Condition Disclosure Statement. This new law does not change the role or responsibility of Realtors regarding the PCDS but it does add a level of bureaucracy that each Realtor needs to be aware of. The law does not take effect until March 20, 2024. Between now and then, NYSAR plans to issue further guidance of exactly how this law will be implemented.

The frequency of storms and the government's response to those storms will often intersect with the real estate industry and home ownership. As homeowners and home providers, this is not an issue that we can ignore. Both well-intentioned and prudent policies will most likely add a new level of vigilance and reality to becoming a successful Realtor. As we navigate this together, we will keep you posted on the clouds on the horizon.

Alexander Roithmayr is Director of Government Affairs for the Hudson Gateway Association of Realtors.

Joan Marks Continued from page 13

Originally, she began working with Weichert Realtors in Bergen County and remained in New Jersey for quite a few years, joining Coldwell Banker and Keller Williams.

"I loved the opportunity to help

people with one of the biggest emotional and financial decisions of their lives," she said. "I remember walking away from a closing table teary-eyed, after spending so much time with these families and holding their hands

through the process."

By the time she relocated to Westchester, Marks was no longer selling, but managing. "Westchester is very similar to Bergen, as both have luxury markets and demanding clientele," she said. "The tri-state area in general, I believe, has very sophisticated, well-educated clients."

Now, Marks spends her days managing and training agents, to help them grow their businesses. "I'm quite passionate in front of a classroom and it's very rewarding to see these agents become more confident and move along in their careers," she said.

Three years ago, Marks got involved with the HG Realtor Foundation, and plans to stay involved. As a former PTO president, she enjoyed working with community groups. "I had a very blessed life and I want to give back to communities," she said. "It's tough living here in this area and not everyone

can afford all of the expenses. It's unbelievable what all of these charitable organizations accomplish."

Beyond fundraising, one of Marks' goals is to create more awareness about the Realtor Foundation, what it does, and the charities and non-profits that it supports.

As for her personal life, Marks is a busy grandmother now. She has three grown children and two grandchildren—one who's four years old and the other, four months old. Her son and two daughters all live in Colorado, and she visits them quite often. In addition, Marks is an avid skier.

After so many years living as a suburbanite, though, Marks still enjoys a trip to Manhattan. "I always took the kids when they were little, but I don't get there as often now," she said. "But I do love the city on a nice fall day, just walking the streets and people watching. It's still a great experience."

New Strategies for These Turbulent Times

Continued from page 4

Tackling change with confidence, transparency and composure helps us build trust and instill confidence in others so that your knowledge, skill and professionalism is never doubted.

It's easier said than done, but uncertainty is an opportunity for Realtors to demonstrate their knowledge and professionalism. Realtors must constantly stay abreast of ever-changing laws that regulate our industry, monitor current real estate market conditions and study industry developments at the local, state and national levels. Knowledge is power, with which you can more successfully anticipate market trends and proactively develop strategies to make informed decisions, guide your clients, train your staff and overcome challenges during uncertain times. Perhaps now is the time to create contingency plans, diversify investment portfolios, explore new revenue streams or consider expanding into niche markets.

Feeling concerned, unsure, or worried about the real estate market,

our Realtor brand, or the future of our industry as we know it, is natural. However, those feelings should not dictate how you act. After all, much of it is out of our hands. Your individual actions won't change mortgage rates or increase inventory. Unless you're on the legal team representing NAR, nothing you do will impact the verdict in the *Burnett v. National Association of REALTORS* trial that is scheduled to start this week.

Don't let circumstances that are out of your control allow you to lose control. Face the challenge and tackle the change. Invest in training, education and development. Build a culture of continuous learning. Be proactive, flexible and ready to pivot at any given moment. Strengthen your business relationships. Empower your team by giving them the tools to navigate through turbulent times.

Markets are cyclical and they always change, even for the better. Don't just try to weather the storm. Build a resilient team that gets you through that storm stronger, smarter and more nimble than ever before.

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Business Council of NYS Sounds Alarm On Impacts of State's Energy Policies

ALBANY—The Business Council of New York State announced recently the first of several state-wide information campaigns designed to educate New York voters on the impacts of significant legislation approved by state lawmakers. The campaigns will highlight and assess policy decisions that, regardless of intention, could adversely impact New York State's private sector businesses and the millions of New Yorkers they employ.

The first campaign will focus on the transition toward clean energy sources and renewables, the Business Council of New York State said. Business groups representing thousands of companies from Niagara to Montauk are joining in the efforts to urge Albany lawmakers to create and implement smarter and better business policies. Among the business organizations that have voiced concerns over the state's energy policies include The Business Council of Westchester, The Rockland Business Association and the Partnership for New York City.

Some energy transition policy decisions will have unintended consequences as the state tries to cross the bridge to clean energy resources and renewable development. As the state moves to implement the "Climate Leadership and Community Protection Act," or CLCPA, policy decisions are being made that could have significant unintended consequences, Business Council officials stated, including:

- Higher energy prices whose impacts would ripple through the state's economy;
- Reduced reliability of the state's energy grid that would affect homes, institutions and businesses; and
- Adverse impacts on the state's overall economic climate that may discourage new investments and job growth.

"New York is at a crossroads. We are a worldwide leader in environmental initiatives and green energy policies, and we must and will continue to be the leader. But, we must also look at the policies and determine what is feasible, what is affordable, and what is best for the future of the state. That is what this campaign is all about, and this will be a campaign with supporters from across

Some energy transition policy decisions will have unintended consequences as the state tries to cross the bridge to clean energy resources and renewable development.

the spectrum from almost every industry from communities across the state. Let's be clear: it is essential to push a green economy. It is also essential to make sure we can reach our environmental and clean energy goals without severely damaging New York's families and businesses as well as jeopardizing the reliability of New York's energy infrastructure," said Heather Mulligan, President & CEO, The Business Council of New York State.

A host of business and economic development organizations across the state came out in support of the campaign.

"A healthy and growing economy requires public policy that balances our environmental goals with the need for affordability and reliability of power supplies. We supported enactment of CLCPA because the legislation contains mechanisms that allow state agencies to achieve that balance. We urge those agencies to consider the implementation paths that can be taken in achieving CLCPA goals, and to choose paths that also protect the

economic vibrancy of the state," said Kathryn S. Wylde, President & CEO, Partnership for New York City.

"The NYSEDC recognizes the acute need for our state's clean energy transition. But we also strongly believe that New York's move away from fossil fuels and onto renewables must occur in a methodical manner that safeguards the reliability necessary to foster economic growth and protect public health and safety. New York needs to proceed toward its clean energy goals in a way that balances both practicality and reliability," said Ryan Silva, Executive Director, New York State Economic Development Council.

"We are grateful to the Business Council for wanting to work with the state in a collegial manner to achieve necessary milestones in realistic timelines as we move forward toward clean energy sources and renewables. The leadership of this important organization has shown, historically, its ability to mobilize our business community when difficult issues face us. The Rockland Business Association is proud to be part of a campaign that truly seeks to bring folks together at a point in time when that seems impossible. The path to a green energy economy is one we all travel; we need to do it together," said Al Samuels, President/CEO, The Rockland Business Association.

"We have carefully assessed the impacts both economic and personal it will have on every aspect of life in New York. No business sector will be unaffected if fossil fuels are prematurely banned, The BCW remains deeply concerned about the unintended, but inevitable consequences of setting these self-imposed deadlines. The simple fact is that New York is way behind schedule in building the renewable energy infrastructure that must be created to achieve the goals that we support. The BCW will continue to ask



Heather Mulligan, President & CEO, The Business Council of New York State

state leaders the tough questions that must be answered to remove many of the issues that are occurring to prevent renewable energy systems to move forward," said John Ravitz, President/COO, Business Council of Westchester.

Ravitz added, "We also urge the governor and the state legislature to begin to have honest conversations with all stakeholders statewide on how we can achieve the goals to ensure that New York has a strong and reliable energy plan in place. Those conversations must also include transition plans that include continuing to use natural gas to support the energy system until the renewable energy infrastructure is in place. As we look to recruit and retain businesses to Westchester County and New York State we must be able to demonstrate that the state has a solid energy platform that will not cause reliability and costs issues. All of this will require a tremendous amount of work, mutual understanding, and cooperation on everyone's part. It is not an option and the time to begin is now."

GUEST COLUMN

Why the Women's Council of Realtors?

By Marianne Lepore

Recently the question was asked, Why the Women's Council? There is a wealth of professional organizations for Realtors, do we need a Women's Council? The answer lies in the history of organized real estate, with NAR going back more than 110 years and Women's Council, over 80 years.

The Women's Council developed as a result of the exclusion of women from many local Realtor associations in the past. At the Annual Convention in Milwaukee in November 1938, a "Women's Division" was formed by 37 women from nine states. While this history may seem irrelevant now, recent issues highlight the importance of an on-going professional organization for women.

Utah Broker Kenny Parcell recently resigned as President of the National Association of Realtors (NAR) after an article in *The New York Times* detailed accusations of sexual harassment against him by NAR staff and members. This prompted industry leaders to call for accountability and new direction.

The current President of the Women's Council of Realtors, Chris Pelkola Lee, released the following statement:

"My Fellow Women's Council Members, I am addressing all our members to-



day to acknowledge the recent headlines regarding alleged sexual harassment and workplace misconduct at NAR followed by Kenny Parcell's resignation. These incidents are obviously highly personal to all those individually involved.

Sexual harassment, or harassment of any kind, should never be tolerated in the workplace or elsewhere. They are not tolerated within the ranks of the Women's Council. While to be clear, these recent incidents do not directly

involve the Women's Council, most of us can likely empathize with allegations of this type of behavior. And no matter how long we have each been members of NAR and the Women's Council, the pain and anxiety that many of us are experiencing is very real. Our next actions will define us as leaders.

Rather than participate in further conjecture or gossip and fan the flames of destruction, we have the opportunity to take a proactive approach to highlight our organization and the skills we bring to the table as one piece of a complicated solution.

Having more women in leadership can only benefit our industry, which is dominated by female practitioners. And the great news is, we are known for developing leaders! Let's embrace our reputation and elevate the call for further inclusion of women in high-level leadership positions in our industry, on both the volunteer and the executive side of the house.

Having a wider range of viewpoints and experiences at the decision table can help overcome many of the biases we still see today. We often hear the reference of 'having a seat at the table.' It should be noted that while that is an important first step, because it is *visual*, it is imperative that once at the decision table, all those present

have a voice in decision making and their perspectives and experiences are given equal weight. Otherwise, it's just optics. It should go without saying, these inclusive actions extend beyond women's experiences and to other inclusive initiatives organizations are hopefully embracing as well.

As for women in leadership, simply stated, we need a deeper bench of women leaders. I know at the national level in the Women's Council, our leadership has long been personally tapping our members to encourage them to continue in their leadership journeys, to continue to learn and grow and pull others along with them. After all, that's why and how I'm here!

And we are cognizant of tapping into our talented up-and-coming leaders of all backgrounds to ensure our future leaders reflect our membership base and the communities we serve. We've changed campaign rules to ensure national leadership is within the grasp of more of our qualified members. It's imperative that we *all* take a proactive role in expanding women's participation in high-level leadership at every opportunity."

Marianne Lepore is 2023 President of the Women's Council of Realtors Empire Local Chapter.

celebrates progress made through the dedication and passion of all who support this community-wide campaign.



Joe Simone

"The American Heart Association is dedicated to the extension of life through a commitment to science, education, improving medical care and leading with prevention. This is why I am honored to serve as Chair of the 2024 Heart of New York City campaign and look forward to celebrating the impact we will make," said Simone, a member of the American Heart Association New York City Board of Directors. "I am eager to work with our outstanding team of volunteer leaders and the American Heart Association as we all advocate to make a difference in the well-being of everyone in this community. Together we must continue to strive to do everything we can to make a last-

ing, positive impact on the health of all New Yorkers."

In 2024 the American Heart Association will celebrate its centennial year, meaning that Mr. Simone will have the special distinction of serving as the Heart of New York City campaign's Centennial Chair. He will also serve on the prestigious American Heart Association New York City Board of Directors from July 2023 through June 2025.

The American Heart Association's centennial is a celebration of the life-saving achievements and shared vision for a bold second century that will exponentially advance heart and brain health. The association will continue to lead breakthroughs in science and technology, improve healthcare and advocate for federal, state and local policies that drive healthier lifestyles.

"Joe understands the impact the mission and work of the American Heart Association can have on every person who lives in this area. We welcome him to the Heart of New York City, an initiative that centers around better health for every individual by focusing on critical issues and work to

equitably improve and save lives," says Meg Gilmartin, Executive Director and Senior Vice President, American Heart Association, New York City.

The Fordham Real Estate Institute has announced that **Ryan Severino**, chief economist and head of U.S. research at Bentall Green Oak, and **Kenneth Morrison**, managing member of Lemor Development Group, have been named to its Executive Advisory Council of real estate industry and business leaders.



Ryan Severino

Morrison and Severino will collaborate with the EAC on enhancing the student experience, increasing awareness of the expanding program offerings, and growing enrollment on REI's campuses at Lincoln Center in Manhattan and West Harrison. They join council members from such firms and associations as UBS, JLL, Brown Harris Stevens, Douglaston Cos., the Real Estate Board of New York, Simone Management Group and Related Cos.

"We're delighted to have Ryan and Kenneth join our Executive Advisory Council," said Ryan O'Connor, chair of the EAC and CEO of Clinton Management. "Ryan's extensive knowledge of economics and forecasting, and Kenneth's vast experience in housing development and collaborating with municipal agencies will complement our council as we design new programs reflective of the evolving real estate industry."

Severino is responsible for global and regional economic research, analysis and forecasting as well as property market research at Bentall Green Oak. Prior to joining BGO in May 2023, he was chief economist at JLL, where he managed the economics team and

performed global and regional economic research and forecasting, as well as property market forecasting. Severino also has held senior research positions at Reis, MetLife Real Estate Investments, Starwood Capital Group, Prudential Real Estate Investors and UBS.

Severino is an adjunct professor of finance and economics at Columbia University and New York University and is a Chartered Financial Analyst. He earned a master's degree from Columbia University and a bachelor's degree from Georgetown University. He is a member of the CFA Institute, the American Economic Association, the National Association for Business Economics, Urban Land Institute, and National Council of Real Estate Investment Fiduciaries.

Morrison, a licensed New York State real estate broker, oversees Lemor Development Group, which focuses on real estate investments, consulting and development. Morrison is active in promoting affordable housing and has worked with municipal agencies in New York and New Jersey to successfully develop projects including The Robeson, a 10-story building in Central Harlem, and Balton Commons, a seven-story mixed-use development in New York City.

Morrison earned a bachelor's degree in Business and Entrepreneurship from the University of Phoenix, and recently completed a Master of Science in Real Estate at Fordham University. He is on the boards of Bradhurst Merchants Association, New York City Habitat for Humanity and New York Real Estate Chamber, and is chairman of the Greater Harlem Real Estate Board.



Kenneth Morrison

Empowering HGAR Realtors to be Their Very Best

Continued from page 4

an essential business during the pandemic, flood insurance, rent control, good cause eviction, reduction of state and local real estate taxes, telemarketing activities, and many more. To learn more about how you can support our advocacy efforts and how we support your business, visit HGAR.com/about-us/advocacy.

Education—HGAR offers hundreds of in-person and online courses, including designation and continuing education courses. Our education department offers you a multitude of opportunities to gain the knowledge to successfully serve your clients and meet your continuing education requirements. HGAR also offers a wide

variety of special programming and events. Each year we present YPN (Young Professionals Network), Global, Commercial, County Days, RPAC Fundraisers, Foundation, and other member events. For more information on education and events visit HGAR.com/find-a-class.

Professional Standards—as an HGAR Realtor member, you hold yourself to the highest standards of professional conduct. HGAR handles ethics complaints and provides mediation and arbitration. For more information on Professional Standards, visit hgar.com/about-us/professional-standards.

Look for future columns and announcements to learn more about how HGAR supports you and your business.

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Do We Have Fair Housing Now?

By Rey Hollingsworth Falu

Although April is Fair Housing Month and June is National Home Ownership Month, we need to keep Fair Housing front of mind year-round. President Joe Biden recently proclaimed, "During National Homeownership Month, we recognize the power of owning a home when raising a family, planting roots in a community, building equity, and passing down generational wealth to continue the American Dream for generations to come." However, for most of the 20th century, discrimination in housing was the law in New York.

In 1913, the National Association of Realtors (NAR), formerly known as the National Association of Real Estate Boards (NAREB), advocated for the use of "race restrictive covenants" on property deeds and discouraged "race mixing." Landlords and real estate agents often refused to rent or sell to African Americans, Jews, and other groups. This discrimination was exacerbated by the practice of redlining, in which lenders drew a red line around neighborhoods, often those populated by African Americans where they refused to provide mortgages. The segregation we see today is a direct result of a coordinated policy of de jure segregation that still divides the state's population along racial and ethnic lines.

NAR, an organization I proudly hold membership in today, encouraged dis-

crimatory practices. Until the 1960s, the organization's Code of Ethics allowed for discrimination against protected classes. Realtors were encouraged to "protect property values" by

The segregation we see today is a direct result of a coordinated policy of de jure segregation, that still divides the state's population along racial and ethnic lines.

not showing homes in certain neighborhoods to African Americans and others. Back then, I could not have been a member of NAR, which is how NAREB, The National Association of Real Estate Brokers, was founded and chose the word "Realtist" to identify its members because NAR copywrote "Realtor" and would not allow African Americans to use this word to describe their profession.

Civil rights activists took their fight to the courts. In New Rochelle, attorney Paul B. Zuber won a 1961 federal court decision, affirmed by the Supreme Court, which ruled that the Board of Education had deliberately created and maintained segregated school systems by gerrymandering the district lines and transferring white children out of the district.

The landmark Civil Rights Act of

1964, which prohibited discrimination in housing, marked a turning point in the fight for fair housing in New York. However, the law was not enough to eradicate discrimination in the state, and it was often difficult to enforce.

- In the 1969 case of *Otero v. New York City Housing Authority*, the New York State Supreme Court ruled that it was illegal for public housing authorities to discriminate based on race, ethnicity, or national origin.

- In the 1975 case of *NAACP v. Town of Eastchester*, the United States Supreme Court ruled that local governments could be held liable for discriminatory housing practices, even if they were not directly involved in the discrimination.

- In the 1995 case of *Smith v. City of Jackson*, the United States Supreme Court ruled that disparate impact could be used as evidence of discrimination in housing. The NAR filed a brief in support of the defendants, arguing that the use of disparate impact analysis would make it more difficult for real estate professionals to make legitimate business decisions. However, the court upheld the use of disparate impact as evidence of discrimination.

Despite significant legal victories, de jure segregation and discrimination in housing continues in New York. Recently the New York State Attorney General settled with several real estate



brokerages after *Newsday* exposed discriminatory practices against African American and Hispanic homebuyers. In 2022 and 2023, the settlements included the creation of fair housing and diversity committees, the development of fair housing training, and systems for monitoring compliance. Brokerages also paid damages. The settlement is a reminder to real estate professionals of the importance of fair housing, as it is the fourth action this AG has taken to stop illegal housing discrimination in New York.

Today the homeownership rate for African Americans in New York is 34%, while the rate for the white population is 67%. As we reflect on fair housing's long journey to the present day, I pose the question to you: Do we have fair housing now? Can any person live in any place in which they can afford? Can any person enjoy life, liberty, and the pursuit of happiness here? Our job is to make sure the answers will be resounding, "Yes."

Rey Hollingsworth Falu is a member of the DEI Committee of the Hudson Gateway Association of Realtors.

Doreen Spagnuolo Named Permanent CEO of LIBOR; Long Island's Ruppert Named NYSAR Realtor of Year

WEST BABYLON—The Long Island Board of Realtors announced on Sept. 26 the appointment of Doreen Spagnuolo as the permanent Chief Executive Officer of the 30,000-member trade association.

In this role, Spagnuolo will spearhead LIBOR's mission to be the trusted ally uniting its Realtor Members in promoting the benefits and ensuring the future of real property for all, the association stated in a press announcement.

Spagnuolo brings an impressive portfolio of experience to her role as CEO. Having served as General Counsel at LIBOR for 15 years, she

has recently achieved the esteemed Realtor Association Certified Executive (RCE) designation, an accolade explicitly designed for dedicated association executives who possess ambition, extensive experience and a strong commitment to professional excellence. Spagnuolo has also held various attorney positions, including a nine-year tenure at Feldman, Rudy, Kirby & Farquharson, P.C., where she served as Partner, and at the Queens County District Attorney's office as Assistant District Attorney.

She holds a Bachelor of Business Administration degree from Hofstra University and a Juris Doctor from

St. John's University School of Law.

"We are thrilled that Doreen Spagnuolo has accepted the permanent CEO position at LIBOR," stated LIBOR President Gina Marie Bettenhauser. "Doreen's qualifications make her an ideal fit for this role, and we have every confidence that our members will benefit greatly from her leadership."

The Board of Directors at LIBOR appointed Spagnuolo as Interim CEO in June, after the departure of Tessa Hultz, who had led the association as CEO since 2019.

At right, LIBOR CEO Doreen Spagnuolo



Ruppert Named NYSAR 2023 Realtor of the Year

ALBANY—Mary Alice Ruppert, Realtor and Long Island Board of Realtors Secretary/Treasurer, has been named the recipient of the 2023 Realtor of the Year award by New York State Association of Realtors. The prestigious award was presented during the association's recent Fall Business Meetings at Turning Stone Resort and Casino in Verona, NY.

Ruppert, a Licensed Associate Broker and the Career and Business Development Leader of Coach Real Estate Associates Inc. in East Islip, has been a pillar of the local real estate community since 1990. Her extensive experience, combined with her ABR, AHWD, CRB, ePro, GRI, and SFR, real estate designations, has made her a trusted expert in the field.

Known for her heart and mission towards affordable housing opportunities, Ruppert has been a driving force behind raising awareness about homebuyer programs for consumers and educating fellow Realtors about funding and housing opportunities throughout Long Island. Her tireless efforts include serving on the state Housing Opportu-

nities Committee and Housing Opportunities Foundation, where she led as President in 2022, following her role as Vice President in 2021. Additionally, her involvement with the Long Island Housing Crisis Task Force has facilitated open dialogue with LIBOR to aid distressed homeowners and expand first-time homebuyer housing opportunities.

In 2020, Ruppert served as the Chairperson of LIBOR's Grievance Committee, where she took on the monumental task of handling the most extensive Grievance-led caseload in the National Association of Realtors' history during the challenging COVID-19 period. Her commitment to fair housing and quality education led to NAR's review of Article 11 to raise industry standards for Fair Housing instruction.

Ruppert also chaired LIBOR's Bylaws Task Force from 2020 to 2022, advocating for revisions to LIBOR's Bylaws and Policies related to Election and Board Composition to promote a more diverse leadership within the association. Her dedication to educating members and leaders alike has led to



Mary Alice Ruppert

positive changes within the Association.

Currently serving as the 2023 LIBOR Secretary/Treasurer, Ruppert previously served as LIBOR President in 2016. Her willingness to take on lead-

ership roles demonstrates her selflessness and commitment to the association's advancement.

Ruppert's remarkable contributions have not gone unnoticed. In 2016, she received LIBOR's Legislative Advocacy Award for her pivotal work with the Housing Task Force, aiming to overcome obstacles to homeownership and promote safe and affordable housing for all. She has also been honored with LIBOR's Realtor Salesperson of the Year Award and is a member of NYSAR's Realtor Honor Society and RPAC Hall of Fame.

"Mary Alice Ruppert's integrity, professionalism, unwavering commitment to championing fair housing, and her extraordinary leadership within our community have set a shining example for all Realtors," said Gina Marie Bettenhauser, LIBOR President. "It is with immense pride that we congratulate her on being named the 2023 Realtor of the Year by the New York State Association of Realtors. This recognition is truly well-deserved, and we are honored to have her as a member of our association."

HUDSON GATEWAY ASSOCIATION OF REALTORS® 107th ANNUAL MEMBER APPRECIATION DAY



"THERE'S ALWAYS A WAY"
10.30.23

NEW LOCATION THIS YEAR

WESTCHESTER MARRIOTT HOTEL • TARRYTOWN, NEW YORK

Event Program



8:30 - 11:30 AM
Grand Ballroom
Ethics for REALTORS®
Everything You Need to Know – and More

This course includes Ethics, Fair Housing, the Professional Standards Enforcement process and filing procedures, arbitration overview and much more. Approved for NAR's 2.5 hr Code of Ethics triennial certification. 3 CE Credits.

Presented by: Brian Levine, Esq., HGAR General Counsel & Professional Standards Administrator

9:00 AM - 12:30 PM **Westchester Ballroom**
OneKey® MLS Info Track Sessions

OneKey® MLS presents free Info Track sessions and service updates by CoreLogic and Remine.

Keynote address by: Mitch Skinner, Attorney/Owner at Larson Skinner PLLC

9:30 - 10:30 AM **Tarrytown Ballroom**
Artificial Intelligence in Real Estate

AI is quickly changing the real estate industry! You'll walk away with knowledge of how these emerging technologies can make a difference in your success.

Presented by: George Tsemberlis, AI Presenter and Sr. Loan Officer, CrossCountry Mortgage

10:45 - 11:45 AM **Tarrytown Ballroom**

Using Video to Convert Leads to Clients

Why are organic videos the secret sauce that can make you more successful? Find out how the right videos will keep you in the limelight and keep clients coming in!

Presented by: Digitality Marketing

11:30 AM - 1:00 PM **Terrace Room**

BUFFET LUNCH

11:45 AM - 12:45 PM **Tarrytown Ballroom**

Personal Branding Panel

What is personal branding and why is it so important for your success? Join our panel of experts including: Stacey Cohen, President & CEO, Co-Communications; Risa Hoag, President, GMG PR; and Chris Pagli, Social Media Manager, HGAR for all the answers.

Moderated by: Deb Budetti, Members Day Committee Chair and Broker/Owner, ERA Insite Realty Services



12:45 - 2:00 PM

Grand Ballroom

RPAC LUNCHEON

Guest Speaker:

Joe Harris VP of Government Advocacy, NAR

Joe Harris joined NAR in 2015 and has also served as its Director of Federal Legislative and Political Affairs. He also spent eight years on Capitol Hill working with Senator Joe Lieberman (I-CT) and Congressman John Spratt (D-SC).

Sponsored by: Hudson United Mortgage

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TEG Federal Credit Union
Trustco Bank
Unity Bank
UNMB Home Loans Inc.
Upper Cervical Chiropractic
Valley Bank
VHT Studios
Wells Fargo Home Mortgage



2:00 - 3:30 PM

Grand Ballroom

KEYNOTE ADDRESS

"There's Always a Way!"
with Alex Banayan

In his international best

seller, "The Third Door," Alex Banayan details his unconventional route to success. Alex sold his prize sailboat from "The Price is Right" show to fund his quest to learn from the world's most innovative leaders including Bill Gates, Lady Gaga, Larry King, Maya Angelou, Jane Goodall, Quincy Jones and more.

3:30 - 4:30 PM **Grand Ballroom**

HGAR Annual Meeting

Elect your 2024 HGAR leaders and congratulate the HGAR REALTOR® and Affiliate of the Year, along with other REALTOR® award winners.

4:30 - 6:00 PM **Terrace Room**

Celebration Cocktail Party

Join your friends and colleagues to celebrate your successes of 2023!

Sponsored by: ASAP Mortgage



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